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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### Visit to Chile

#### **Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero\***

##### *Summary*

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, visited Chile from 14 to 23 July 2025 at the invitation of the Government. The purpose of her visit was to assess the progress of Chile and challenges in fulfilling its international obligations in relation to her mandate. During the visit, the Special Rapporteur assessed the legal framework, public policies, institutional practices and social context related to freedom of peaceful assembly and association. She examined, in particular, access to justice and redress for victims of human rights violations in the context of protests, with emphasis on the social unrest of 2019/20, focusing on measures of satisfaction and guarantees of non-repetition. She also considered how the lessons of the past have contributed to building a present in which the right to freedom of peaceful assembly can be exercised fully and without restrictions.

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\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and English only.



## Annex

# Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero

## I. Introduction

1. In accordance with Human Rights Council resolution 94/4, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, conducted an official visit to Chile from 14 to 23 July 2025 at the invitation of the Government. The purpose of the visit was to conduct a thorough review of the situation concerning the freedom of peaceful assembly and association in the country.
2. The Special Rapporteur expresses gratitude to the Government of Chile, led by President Gabriel Boric, for the invitation and for its exemplary cooperation in organizing the visit, which demonstrates the Government's willingness to engage in constructive dialogue on issues related to the mandate. She commends the Government for receiving official visits by six special procedure mandate holders between 2023 and 2025.
3. During her visit, the Special Rapporteur assessed the legal framework, institutional practices and social context related to the right of peaceful assembly. She examined access to justice and redress for human rights violations in the context of protests, especially the social unrest of 2019/20, focusing on measures of satisfaction and guarantees of non-repetition. She also examined how the lessons of the past have contributed to the creation of a present in which the right to freedom of peaceful assembly can be exercised fully and without restrictions. In addition, she touched on general aspects of freedom of association in the country, although this did not amount to an exhaustive analysis.
4. In the course of the visit, the Special Rapporteur travelled to Santiago, Valparaíso, San Antonio and Temuco. She visited several places that have been the focus or point of origin of recent protests, such as Caleta Portales and Caleta el Membrillo in the city of Valparaíso.
5. The Special Rapporteur had the honour of meeting with the President of the Supreme Court; the Chief of Cabinet and Director of the Special Unit on Human Rights of the Attorney General's Office; the National Public Defender; the Children's Ombudsman; the Director of the National Institute of Human Rights; the Minister of Justice and Human Rights; the Minister of Public Security; the Minister and Secretary-General of the Office of the President; the Undersecretary of Foreign Affairs; the Undersecretary of the Interior; the Undersecretary of Human Rights; the Chief Adviser to the Minister of Labour and Social Security; the Director of Human Rights and Family Protection of Carabineros de Chile; the Chair and members of the human rights committee of the Senate; the Chair of the human rights committee of the Chamber of Deputies; and officers of the Carabineros (police).
6. The Special Rapporteur also met with regional representatives from Valparaíso, San Antonio and Temuco, including regional and provincial presidential delegates; generals (zone chiefs) and public order operations chiefs of Carabineros de Chile; regional prosecutors; regional public defenders; representatives of the Directorate General of the Maritime Territory and Merchant Marine; and city councillors.
7. In addition, the Special Rapporteur met with representatives of the United Nations system. She would like to thank the Office of the United Nations Resident Coordinator in Chile and the Regional Representative for South America of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and his deputy and team for their invaluable support during the visit, as well as other United Nations funds, programmes and agencies in the country for their assistance during the visit and in its preparation.
8. The Special Rapporteur is grateful to the National Institute of Human Rights, the Committee for the Prevention of Torture of Chile and all non-governmental organizations, human rights defenders, victims and survivors of human rights violations and their families, lawyers, leaders and members of Mapuche communities, trade unionists, representatives of civil society, educators, intercultural facilitators, academics, university and secondary school students and their organizations, fishermen, stevedores, port workers and farmers, among

others, who met with her and shared their testimonies, experiences and knowledge. All of these bodies and individuals participate in the vital task of strengthening democracy and furthering the protection of human rights in Chile.

9. Following her visit, the Special Rapporteur held formal and informal meetings and discussions with various actors from the Government and civil society.

## II. Legal and institutional framework

10. Chile has ratified the core international human rights instruments, which contain rules and standards on the freedom of peaceful assembly and association: the International Convention on the Elimination of All Forms of Racial Discrimination (in 1971); the International Covenant on Civil and Political Rights (in 1972); the International Covenant on Economic, Social and Cultural Rights (in 1972); the Convention on the Elimination of All Forms of Discrimination against Women (in 1989); the Convention on the Rights of the Child (in 1990); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in 1998); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in 2005); the Convention on the Rights of Persons with Disabilities (in 2008) and the International Convention for the Protection of All Persons from Enforced Disappearance (in 2009).

11. Chile has ratified several conventions of the International Labour Organization (ILO), including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Workers' Representatives Convention, 1971 (No. 135, in 1999), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169, in 2008).

12. Chile has also ratified several regional instruments that promote and protect the freedom of peaceful assembly and association, in particular the American Convention on Human Rights (in 1990) and the Inter-American Convention to Prevent and Punish Torture (in 1988).

13. The National Institute of Human Rights, the Committee for the Prevention of Torture and the Office of the Children's Ombudsman are key pillars in the promotion and protection of human rights in Chile. That work is coordinated with the human rights committees of each chamber of the National Congress and specialized units within government ministries and agencies, including Carabineros de Chile. Municipal councils such as that of San Antonio, and autonomous bodies such as the Attorney General's Office, have also undertaken important initiatives.

### Legal framework

14. In her review of the legal framework governing the right of peaceful assembly, the Special Rapporteur found significant fragmentation of the laws, at different levels, that govern various aspects of the exercise of this right, hindering public understanding and causing the State to fall short of international protection standards.<sup>1</sup>

15. Regulatory fragmentation in respect of the right of peaceful assembly creates legal ambiguity, confuses the public and delays the State's fulfilment of its obligations. The lack of a unified, clear law aligned with international standards has limited the full exercise of this right and allows for arbitrary practices by the authorities. Elevating regulations governing peaceful assembly to the status of law is an unresolved challenge for the country.

16. The right of assembly is essential for democracy. Although the Constitution guarantees the right of "peaceful and unarmed assembly without prior authorization", it delegates the governance of such assemblies in public spaces to "general police regulations". Consequently, the right is regulated by a piece of secondary legislation issued during the dictatorship and still in force today: Supreme Decree No. 1086 of the Ministry of the Interior, adopted in 1983.

<sup>1</sup> The laws referenced in this section are illustrative and do not constitute an exhaustive list.

17. This decree requires that organizers request prior authorization from the relevant administrative authority at least two days in advance and authorizes law enforcement agencies to prevent or disperse unauthorized gatherings (art. 2). It also grants broad discretion for the administrative authority to deny the use of public spaces. An authorization regime is at first glance incompatible with international law. Where authorization regimes persist in domestic law, they must in practice function as a system of notification, with authorization being granted as a matter of course, in the absence of compelling reasons to do otherwise.<sup>2</sup>

18. The Special Rapporteur noted that, although organizers of meetings and demonstrations have not been required to seek authorization in recent years – a simple notification to the competent authorities has sufficed – there have been instances of requests being denied and pressure exerted regarding the choice of routes or locations. There have also been reports of Carabineros setting up roadblocks to prevent access to gathering places. Under current legislation, there remains a risk that permission to hold assemblies may be denied on the basis of their content; the level of discretion in upholding this right is concerning.

19. Although States may require prior notification, assemblies can never be subject to authorization. Peaceful protests must be enabled in line with the principle that participants can conduct them “within sight and sound” of their target audience,<sup>3</sup> while organizers’ preferences must be respected.<sup>4</sup> The existence of restrictive regulations – even if they are not consistently enforced – poses a threat to the right of assembly, as discretionary interpretations could lead to arbitrary enforcement or unjustified restrictions in the future.

20. Various laws impose restrictions on the right of peaceful assembly that are not aligned with international standards. These laws follow a punitive approach that criminalizes protest and acts as a deterrent to mobilization and collective action, creating a chilling effect that disproportionately affects persons entitled to special protection, such as children and adolescents, young people and Indigenous Peoples.

21. Although secondary school students in some regions are able to demonstrate freely, the Special Rapporteur received reports of unjustified dispersal of gatherings and excessive use of force and of less-lethal weapons (tear gas) at prominent high schools in Santiago. Under the Safe Classrooms Act (No. 21.128), some students have been expelled or had their enrolment cancelled for participating in protests – an act of retaliation that seriously undermines the right to education and the mental health of the educational community. It is imperative that the permanent presence of police personnel and vehicles, especially those belonging to public order units, be withdrawn from school grounds, as disproportionate surveillance creates constant tension, has a negative impact on the school environment and academic performance and wrongly normalizes the school as a place of conflict.

22. The Safe Classrooms Act allows for the immediate expulsion or suspension of students for committing “acts deemed violent” within educational institutions; it also provides for the imposition of severe administrative (and in some cases criminal) penalties without sufficient guarantees of due process. This is significant in the context of protests, because the Act criminalizes conducts that are not classed as violent under international standards. According to the Human Rights Committee, violence involves physical force that causes injury, death, or serious damage to property. Mere pushing and shoving or the disruption of traffic or daily activities do not amount to “violence”.<sup>5</sup>

23. Act No. 21.633 on the Illegal Occupation of Property increases penalties for the occupation of property and facilitates immediate eviction by law enforcement. This law presents a risk that acts of protest protected under article 21 of the International Covenant on Civil and Political Rights, such as sit-ins and other stationary gatherings, will be treated as criminal offences, negatively affecting territorial, student and Mapuche movements. By prioritizing a repressive approach to collective action, the Act contravenes fundamental criminal law principles, such as that of *ultima ratio*.

24. The Anti-Barricade Act (No. 21.208) criminalizes protest, since it makes it a punishable offence to disrupt traffic by placing obstacles, which contravenes the standard

<sup>2</sup> Human Rights Committee, general comment No. 37 (2020), para. 73.

<sup>3</sup> *Ibid.*, para. 22.

<sup>4</sup> [A/HRC/55/60](#), para. 68.

<sup>5</sup> Human Rights Committee, general comment No. 37 (2020), para. 15.

establishing that such actions do not in themselves amount to violence.<sup>6</sup> The Special Rapporteur received reports of dispersal operations and excessive use of force based on misinterpretations of the concept of “public order”. International standards make clear that “public order” and “law and order” are not synonyms and the prohibition of “public disorder” should not be used to unduly restrict peaceful assemblies.<sup>7</sup> Characterizing road and infrastructure blockages as attacks on public order is disproportionate.

25. The Naín-Retamal Act (No. 21.560) of 2023, by which Criminal Code, the Code of Criminal Procedure and the Code of Military Justice were amended, includes provisions that are problematic for the protection of human rights and accountability. By establishing an exemption from liability for law enforcement officers, it hinders the timely and proportionate punishment of crimes and victims’ access to justice. Its retroactive application in cases related to the social unrest of 2019/20 reinforces the perception of impunity. A telling example is the case of Gustavo Gatica, in which the competent criminal court determined that the former officer Claudio Crespo was responsible for firing the shots that blinded the victim, yet the former officer was nonetheless acquitted of the charge of “unlawful coercion”.<sup>8</sup> States should consistently promote a culture of accountability for law enforcement officials during assemblies.<sup>9</sup>

26. Other laws said to stigmatize the exercise of the right to protest include the Counter-Terrorism Act (No. 21.732); Act No. 20.931, article 12 of which provides for preventive identity checks; and the State Security Act (No. 12.927).

27. Furthermore, the rules governing the use of force, both in general and in the context of protests, are fragmented. The use of force is partly regulated by specific internal protocols of Carabineros de Chile.

28. There is also concern regarding the bill on the use of force by law enforcement and the armed forces (Bulletin No. 15805-07), which prompted a communication from the Special Rapporteur<sup>10</sup> and a subsequent response from the Government. While legislation on the use of force is undoubtedly necessary, the bill as currently worded is inadequate, as it does not provide sufficient safeguards either for law enforcement officials or for those subjected to the use of force. It could also limit legal remedies for victims of human rights violations. Of particular concern is the elimination of the principle of proportionality and the relaxing of accountability. International standards require that any use of force be objectively justifiable; abolishing proportionality encourages arbitrariness and subjectivity on the part of police officers. All regulations must be underpinned strictly by the principles of legality, necessity, proportionality, precaution, non-discrimination and accountability.

29. The lack of a clear and widely accepted definition of institutional violence represents a significant obstacle to the investigation and punishment of misconduct by security forces. The pursuit of justice is also hindered by the existence of criminal offences carrying lighter penalties, which are applied instead of more serious offences, such as torture.

30. The Special Rapporteur welcomes the commitment made during her visit, by the chair of the Senate human rights committee, to advance a law on the right of peaceful assembly. Unfortunately, at the time of writing, no progress has been made in introducing such a law.

31. Legislative processes related to the right of peaceful assembly face obstacles stemming from political polarization and increased securitization. The regulation of this right – constitutionally recognized but limited in practice – oscillates between security and public order on the one hand, and the protection of civil liberties on the other. This situation is exacerbated by a social climate that remains fragile due to civic and institutional fatigue resulting from two failed efforts to update the Constitution and a shift in the narrative surrounding the social unrest of 2019/20 and the role of protest in general. All of this deepens public distrust of institutions and hardens attitudes towards the use of force and the

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., para. 44.

<sup>8</sup> At the time of writing, the verdict is known but not the judgment, which may be reviewed by a higher court in the event of an appeal for annulment.

<sup>9</sup> Human Rights Committee, general comment No. 37 (2020), para. 89.

<sup>10</sup> Communication CHL 2/2025. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29617>.

criminalization of dissent. Achieving a balanced legal framework that protects the right of peaceful assembly without excessive restrictions remains an ongoing structural challenge.

### III. Justice and redress for human rights violations in the context of the social unrest

32. The protests of late 2019 and early 2020, known as the *estallido social*, were largely peaceful and included both the largest march Chile has seen since the return to democracy, neighbourhood-level actions, nationwide dialogue and massive social interaction, all of which reflected an unprecedented level of interest and participation. The collective mobilization made it abundantly clear that the country needed serious reflection and radical action for change.

33. During the unrest, State agents committed human rights violations consisting in the excessive and unnecessary use of force that resulted in arbitrary deprivation of life, torture and ill-treatment, sexual violence, arbitrary detentions and serious injuries – including eye trauma – caused by the improper use of less-lethal weapons.

34. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law<sup>11</sup> and other international standards<sup>12</sup> establish two essential remedies for victims: (a) access to justice, through fair and impartial proceedings that ensure the investigation, prosecution and punishment of those responsible; and (b) full, effective and prompt reparation for acts or omissions which can be attributed to the State. To be full and effective, reparation should include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.<sup>13</sup>

35. More than six years since the social unrest, positive developments have been observed that demonstrate political will and institutional commitment. However, accountability, access to justice and reparation remain inadequate. The lack of a shared national narrative regarding the unrest prevents the demands that were voiced from being honoured, while the absence of an official account of the serious human rights violations that were committed, as well as the stalled reform of Carabineros de Chile, prevent guarantees of non-repetition from being secured.

#### A. Accountability and access to justice

36. The Special Rapporteur observed the following critical situation: although 11,506 complaints of institutional violence were filed between 2019 and 2024,<sup>14</sup> the Human Rights Committee regretted that charges had been brought and final convictions handed down in only a very small number of cases and the lack of substantive progress in investigating and identifying those responsible.<sup>15</sup>

<sup>11</sup> General Assembly resolution 60/147, annex.

<sup>12</sup> Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, *Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State*, OEA/Ser.L/V/II CIDH/RELE/INF.22/19, September 2019. Available at <https://www.oas.org/en/iachr/expression/publications/Protesta/ProtestHumanRights.pdf>.

<sup>13</sup> General Assembly resolution 60/147, annex, paras. 18–22.

<sup>14</sup> Public Prosecution Service, statistical report on the social unrest, October 2025. Figures on institutional violence offences, including unlawful coercion committed by public employees; abuse; torture committed by public officials; minor, serious and grievous bodily harm; unintentional unlawful coercion; and homicide. Available at [https://www.fiscaliadechile.cl/sites/default/files/documentos/Informe\\_Estallido%20Social\\_161025\\_FINAL.pdf](https://www.fiscaliadechile.cl/sites/default/files/documentos/Informe_Estallido%20Social_161025_FINAL.pdf) (in Spanish).

<sup>15</sup> CCPR/C/CHL/CO/7, para. 27.

37. Victims and their families reported a long wait for justice and a deep sense of impunity and neglect by the Government. Access to justice and legal remedies is an integral element of the protection of the right to freedom of peaceful assembly.<sup>16</sup>

38. There is concern over the recurring use of the criminal offence of unlawful coercion as a fallback charge in place of torture, resulting in prosecutions being time-barred under the statute of limitations. In addition, there have been reports of threats against and harassment of victims and their families.

39. Since the social unrest, access to justice has been hampered by shortcomings in the justice system, including bottlenecks in regional prosecutors' offices, which were forced to prioritize a limited number of cases. Key institutions, such as the Forensic Medical Service, were overwhelmed, highlighting the lack of permanent specialized regional units. The Special Rapporteur reiterates that prosecutors' offices must have adequate and sufficient human and financial resources and infrastructure. It is crucial to strengthen technical support and funding for agencies assisting in the criminal investigation of human rights violations in order to ensure prompt, impartial and effective investigations.

40. In some cases, courts have found plaintiffs (including, for example, the Public Prosecution Service, the National Institute of Human Rights and private defence lawyers) to have "no plausible grounds for litigation" and ordered them to cover the costs of the proceedings and pay millions of pesos in penalty fines. Such decisions discourage victims and their representatives from exercising their right of access to justice and call into question the State's fulfilment of its obligation to investigate alleged human rights violations.

41. The Special Rapporteur highlights as a best practice the shift system introduced by the Public Criminal Defender Service during the unrest in order to provide services in police stations, which strengthened the monitoring of arrests and identity checks. However, for this institution to fully protect the right of defence and to prevent abuses, it is essential to strengthen its institutional autonomy, which is currently limited by executive branch supervision through the Ministry of Justice and Human Rights. The Special Rapporteur also welcomes the establishment of special units within regional prosecutors' offices to investigate cases related to institutional violence, as well as the creation of the Special Unit on Human Rights of the Attorney General's Office. These measures have increased the Public Prosecution Service's capacity to investigate possible institutional violence.

42. In October 2024, three former high-ranking officials of Carabineros de Chile were charged with the offence of unlawful coercion by omission. This development represents tangible progress in the fight against impunity and marks a significant milestone on the path to justice for human rights violations committed during social protests. Its impact extends beyond the borders of Chile, setting an important precedent for Latin America in respect of accountability and the responsibility of institutions and hierarchical superiors for serious abuses.

## **B. Reparation measures: restitution, compensation and rehabilitation**

43. With regard to reparation provided following the social unrest, the Special Rapporteur received information on stand-alone policies such as the Comprehensive Vision Rehabilitation Programme launched in 2019 under the Administration of President Sebastián Piñera. Although official figures indicate that 378 patients had been treated as of May 2021, the programme attracted widespread criticism over the lack of transparency regarding access to information, the lack of a comprehensive approach and adequate support, geographical limitations, insufficient resources and delays in care.

44. In August 2022, the Administration of President Gabriel Boric replaced the Comprehensive Vision Rehabilitation Programme with the Plan for the Support and Care of Victims of Ocular Trauma, which provided more than 1,000 services to 621 people during the first four months of 2025.<sup>17</sup> Although 419 *ex gratia* pensions were granted in 2021 and 2022, these attracted criticism in relation to eligibility criteria, coverage and the lack of a

<sup>16</sup> A/HRC/53/38.

<sup>17</sup> Information from the Office of the Undersecretary for Welfare Networks and official statements by the public health authorities.

comprehensive approach. It is troubling that 25 pensions were revoked because their beneficiaries were found to have criminal records, which contravenes international standards. Reparation should be based solely on the harm caused by the State's action or omission, regardless of the victim's prior conduct.

45. The Special Rapporteur was informed of new reparation initiatives planned for the second half of 2025, based on an inter-institutional strategy to address the physical, mental, social and legal needs of victims and their families through public-private partnership agreements and protocols. The effectiveness of these initiatives depends on their actual implementation, adequate resources, independent oversight and the active participation of victims in their design and monitoring.

46. Victims injured by lead shot suffer from resulting health problems and do not receive adequate public medical care, especially outside the capital. Alarming, lead pellets can remain lodged in the body, posing a risk of serious short- and long-term harm due to their toxicity. Immediate medical attention must be provided to prevent permanent injury.

47. It is unclear exactly how many people were affected by the social unrest. While it is positive that the Ministry of Justice and Human Rights has taken steps to set up a register of victims, civil society and victims have criticized both the excessive delay (more than six years) and the lack of a participatory methodology. They warn that the existence of the register in itself is insufficient to ensure full reparation, especially in the event of a change in government. The lack of a unified register, institutional fragmentation, the duplication of records and privacy and data protection issues have prevented a comprehensive assessment of the group of persons affected.

48. The Special Rapporteur noted that several bills have been introduced with the aim of providing reparation to victims; however, their progress has been hindered by obstacles such as a lack of political will, high fiscal costs, unclear definitions as to who qualifies as a victim, restrictive evidentiary standards and the limited participation of affected individuals in drafting processes.

### **C. Reparation measures: satisfaction and guarantees of non-repetition**

49. Satisfaction must include measures designed to preserve truth and memory and to shape the narrative of events that involved human rights violations. These measures should include, for example, public apologies, commemorative events and educational reforms.

50. The Special Rapporteur identified narratives in public discourse that, instead of promoting an understanding of the right to protest in accordance with international standards, delegitimize and stigmatize peaceful protest. Reductive and criminalizing narratives have taken hold around concepts such as social unrest and protest, reinforcing stigmas, deepening social polarization and justifying disproportionate State responses. The Special Rapporteur is concerned about the use of the terms *estallido delictual* ("criminal unrest") and *octubrismo* ("Octoberism"), as this reinterpretation of events obscures, delegitimizes and invalidates the social demands that were peacefully expressed during the social unrest.

51. Growing security challenges underscore the importance of the role of Carabineros de Chile and the Investigative Police in combating crime and violence, while always respecting human rights. The Special Rapporteur received information that Carabineros de Chile has regained the level of public trust it enjoyed prior to the social unrest (about 50%); however, this should not diminish institutional or individual accountability for the abuses committed. Investigating these incidents is essential for strengthening the institution and having a police force that fully adheres to the rule of law.

52. Chile must establish a process of truth and memory regarding the social unrest in order to honour the collective demands that drove the push for institutional change. The fact that reform processes did not deliver constitutional change does not diminish the value of the mobilization or obviate the urgency of addressing unmet demands for rights. Society must distinguish between largely peaceful demonstrations and acts of violence, while at the same time recognizing human rights violations and abuse of force by State agents. Acknowledging the significance of the social unrest means honouring the demands that were made and moving forward with the changes that are still needed, while addressing human rights violations through actions aimed at truth, justice and redress.

53. For their part, guarantees of non-repetition are achieved when progress is made in adopting institutional changes and reforms within the agencies responsible for the use of force, and in reviewing and amending laws that contribute to or permit violations of international human rights standards.

54. As previously mentioned, the fragmented legal framework, the ongoing challenge in regulating the exercise of the right of freedom of assembly through a law aligned with international standards, and the risk of legislative setbacks all present obstacles to guarantees of non-repetition.

55. It is encouraging that, since the social unrest, Carabineros de Chile has updated its protocols for dealing with protests and has improved in particular the registration of detainees – a critical issue that contributed to numerous complaints of torture and other cruel, inhuman or degrading treatment. The Special Rapporteur welcomes the ongoing review of protocols and the installation of cameras in registration areas in police stations. She also highlights the Public Criminal Defender Service pilot programme in police stations, which is said to have reduced reports of abuse during arrest, and regrets that the initiative did not continue.

56. Efforts by Carabineros de Chile to improve human rights training by expanding the offering, enhancing curricula, increasing the frequency of training and introducing refresher courses for long-serving officers are encouraging. Coordination with the Ministry of Justice and Human Rights, the Office of the National Public Defender, the National Institute of Human Rights and civil society reflects a genuine interest in preventing institutional violence. Of particular note is the training of trainers model, which expands the regional scope of human rights training. The Special Rapporteur commends the Government for these programmes and urges it to extend them to the Maritime Police, including the Directorate General of the Maritime Territory and Merchant Marine, and the Investigative Police, while ensuring continuity, an increased academic workload, ongoing assessment and a gender perspective. She also considers that a mandatory performance review is essential for ensuring the genuine and practical integration of human rights knowledge into police operations.

57. Challenges remain in improving the human rights training programme, particularly with regard to the weak link between theory and practice, the lack of mainstreaming throughout the institution and the failure to effectively integrate training into professional practice, especially in the light of the long-standing gap between ranks, which leads to disparities in the application of standards.

58. The creation of roles such as human rights educators, dialogue officers assigned to public gatherings and special child and adolescent units is a positive development. Efforts to apply the principles of dialogue and de-escalation are fundamental and have been recognized by various civil society actors and public institutions. However, the extent to which these efforts are understood and appreciated is uneven: several actors claimed that training remains insufficient, especially in terms of its practical application, and that the work of dialogue units needs to be strengthened.

59. The promise of institutional reform within Carabineros de Chile remains unfulfilled, despite the establishment by the Piñera and Boric Administrations of inter-institutional dialogue bodies and mechanisms for consultation with social actors, victims, the international community and academia. The new Ministry of Public Security reported that the reform has advanced through measures to strengthen training, improve operational management and adopt standards on the use of force. However, there is still a need for a structural reform that facilitates the protection of rights and freedoms while allowing the institution to fulfil its mandate.

#### **IV. Freedom of peaceful assembly after the social unrest**

60. Besides the unresolved issues relating to institutional reform, the strengthening of the legal framework and the need to improve accountability, various political, administrative and institutional practices currently impair the exercise of the right of peaceful assembly.

61. The dispersal of actors who could be involved in handling peaceful protests is alarming. Although Carabineros de Chile has constitutional authority over public order, other agencies participate in operations without a proper understanding of the law and without adequate training in human rights or the use of force. This is the case with the army in

militarized zones under states of exception (such as the southern macrozone; see paras. 66–68) and with the navy’s Maritime Police during protests by fishermen and stevedores at sea, in ports and on beaches, where Carabineros de Chile has no jurisdiction (see para. 62).

62. The Special Rapporteur received information about a March 2025 protest in Valparaíso, during which a group of small-scale fishermen blocked a ship from entering the port for a couple of hours. The protest was violently dispersed by Maritime Police officers who seemed not to be wearing any identification, some of whom had their faces covered. It appears that neither dialogue nor de-escalation techniques were used, nor were the principles of proportionality and necessity observed in the use of force. The unwarranted use of riot shotguns and tear gas caused severe injuries to several fishermen, including facial injuries, and risked a recurrence of the eye injuries sustained during the social unrest. The victims reportedly have not received State medical care and some were unable to work for weeks, heightening their already severe vulnerability.

63. Because of the excessive pain and injury that they cause, the use of multiple kinetic projectiles constitutes inherently cruel, inhuman or degrading treatment and is prohibited under international law. The Special Rapporteur endorses the recommendation made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, who, during her visit to Chile,<sup>18</sup> recommended the use of single-shot ammunition. Such weapons should be used only in the event of imminent danger to life and never to disperse protesters. The Special Rapporteur welcomes the discontinuation of shotguns using 12-pellet shells and calls for the permanent and widespread adoption of single-shot ammunition.

64. There is concern about the role of individuals who carry out municipal security inspections, which creates grey areas in the maintenance of public order. The Special Rapporteur received reports of inspectors operating while hooded and without identification, a practice that would hinder accountability and go beyond their preventive authority. The recent Act No. 21.802, amending the Constitutional Act on Municipalities (No. 18.695) and other legislation with the aim of strengthening municipal institutions in the area of public security and crime prevention, grants municipal authorities new powers, including with regard to the use of batons, pepper spray and tasers. It also authorizes them to hire security guards, who may be equipped with such items, and promotes the interconnectivity of surveillance cameras with databases for the purpose of criminal investigation. This empowerment of individuals who are not officially public servants raises concerns, as their actions, lacking effective oversight, could discourage assemblies. In addition, the 2025 taser pilot programme continues to lack transparency, with worrying gaps in procurement processes and protocols for use.

65. Public discourse centred on “public security” is often used to pit public order against the legitimate exercise of peaceful protest, prioritizing control and repression over the protection of rights. This situation, which became more pronounced during the recent election campaign, is putting pressure on law enforcement to take more forceful action, which has an impact on peaceful demonstrations. As a result, the principles of necessity and proportionality have been weakened, which jeopardizes the safety of protesters and violates the right of peaceful assembly enshrined in international standards.

## A. State of exception in La Araucanía

66. The situation of the Mapuche Indigenous People is worrying. Part of their ancestral territory has been under a constitutional state of exception since 12 October 2021, which has led to increased militarization and constant surveillance.

67. While the State must ensure the security of the population, any measures taken must respect fundamental rights. The impact on Indigenous children and adolescents is disheartening: they are subjected to raids, witness acts of violence against their parents, and there have been cases in which young Mapuche who sustained shotgun injuries during their childhood have not received adequate reparation or access to justice. This context exposes children and adolescents to acts of violence and to separation from their parents; they are stigmatized in the present, while being exposed to future cycles of violence and criminalization. An alarming increase in cases of anxiety, insomnia, depression and

<sup>18</sup> [A/HRC/58/55/Add.1](#).

post-traumatic stress has been reported among community members, including children and adolescents, owing to constant surveillance by manned and unmanned aircraft (drones), whose presence reinforces a state of fear and vigilance and exacerbates mental health issues. According to several accounts, children and adolescents lose concentration when they hear a drone flying nearby.

68. The Special Rapporteur met with Mapuche representatives from various communities, agricultural workers and local authorities. Many protests are taking place on ancestral lands, with acts of resistance and civil disobedience, such as occupations, being carried out in a highly tense and unstable environment. The Act on the Illegal Occupation of Property is used to justify evictions, which are coordinated using drones, and treats acts of resistance and land reclamation as criminal offences, permitting the excessive use of force and arrests. Communities complain of incomplete consultation processes, with participation lacking from their conception, and a deep sense of abandonment and neglect by the State. It is unclear whether drones are being used to identify individuals participating in peaceful protests, including acts of resistance and civil disobedience, or whether footage from drone surveillance is recorded. Drones should not be used to identify persons participating in peaceful protests. Any use of drones for the purpose of identification must be justified by a specific investigation or law enforcement requirement, and must be authorized in advance through procedures that comply with international human rights standards and norms. In addition, any recording of drone footage must be clearly justified and managed in accordance with strict data protection protocols and clear access restrictions.

## **B. Stigmatizing narratives**

69. The Special Rapporteur has identified stigmatizing expressions, directed especially against members of the Mapuche people who have made claims to ancestral lands, as part of a narrative that portrays road blockages and land occupations as criminal or terrorist acts. Such descriptions generate a climate of suspicion towards social organizations and Indigenous Peoples that can be used to justify the actions of the security forces and restrictive measures such as the constitutional state of exception.

70. These narratives have also affected key actors in the protection of human rights, such as the National Institute of Human Rights. The Special Rapporteur calls for progress in implementing the recommendations made by the Presidential Advisory Commission for Strengthening the National Institute of Human Rights.

71. Taken together, these narratives undermine the civic space and trust in institutions responsible for protecting human rights and ensuring accountability, while also exerting political and social pressure on law enforcement to respond more harshly to peaceful protests, often without regard for the principles of necessity, proportionality and legality or respect for human rights.

## **V. Right to freedom of association**

72. Although the Constitution recognizes the freedom of association (art. 19 (15)), this right remains subject to restrictions that disproportionately affect Mapuche and environmental groups. The Special Rapporteur received reports of harassment of human rights defenders involved in environmental and housing issues. She is also concerned that, in recent years, certain legislative initiatives have been put forward which, while having the laudable goal of improving transparency in the social sector, propose excessive oversight mechanisms that seriously curtail the exercise of freedom of association in the country.

73. The Special Rapporteur was informed about bureaucratic hurdles in the process of granting legal personality to certain organizations, involving arbitrary and excessive delays (of several months), especially affecting rural areas. Since associations must be legally registered in order to participate in consultations with the State, these delays limit civic participation. The Special Rapporteur notes the scant recognition of the essential role played by human rights defenders and the deep inequality that has been observed between, on the one hand, the State's dialogue with Indigenous communities and social movements and, on the other, its interactions with the business sector. This disparity, which is present in sectors

such as the environment, health, fisheries, intercultural relations, housing and education, limits effective participation and calls for an urgent response.

74. The Special Rapporteur perceived a lack of safeguards for Indigenous and environmental associations, which face criminalization or reprisals in certain contexts. In some regions, LGBTIQ+ associations are reluctant to register for fear that this would increase their visibility and, given the lack of effective protection, their vulnerability. Stigmatization and restrictions that limit the participation of Mapuche organizations and persons deprived of their liberty have also been observed.

75. The Special Rapporteur noted restrictions on the right to strike (Constitution, art. 19 (16)), which may not be exercised by public officials or those working in public utility services, and the constitutional prohibition of collective bargaining for public sector workers. Union leaders are prohibited from holding senior positions in political parties (art. 23). There have been reports of teachers being dismissed or having their pay docked for exercising their right to strike, and of blacklisting of workers in the mining sector. These practices contravene the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which protect freedom of association and collective bargaining as fundamental rights.

## **VI. Recognition of a vibrant and resilient society**

76. The Special Rapporteur highlights the fundamental role played by Chilean civil society in protecting victims following the social unrest and in defending the rights to freedom of peaceful assembly and of association. In view of the limited institutional response, various organizations have taken on the tasks of supporting victims, monitoring human rights violations, following up on demands for justice and promoting structural reforms. Their work has been vital not only in terms of providing refuge and moral support, but also by offering practical solutions for the restitution of rights through legal assistance. In this context, lawyers' associations have secured significant compensation for victims. This work is essential for bringing abuses to light, promoting accountability and sustaining demands for truth, justice and comprehensive reparation.

77. Civil society organizations have played a central role in preserving the collective memory by drawing up detailed records and safely retaining the testimonies that keep victims' voices alive. Their commitment to the truth ensures that the State's responsibility for justice and redress remains on the public agenda. In addition, they act as observers of the security forces, monitoring the implementation of reforms, identifying gaps that require urgent attention, proposing improvements and helping to shape public policy when invited to do so. This work highlights the importance of protecting the right to freedom of association, as these organizations not only support victims but also serve as essential guardians of fundamental rights.

78. The Special Rapporteur pays special tribute to victims and their resilience, particularly those who have not been officially recognized, have not been compensated for the harm they suffered and have not received full reparation. She shares their pain, which is made all the deeper by accounts of victims who have taken their own lives. The suicide of a victim leaves an indelible mark on the State as a whole and provides irrefutable proof of the shortcomings of the reparation system. It is essential that victim support be prioritized in order to prevent the recurrence of such situations. The State is duty-bound to ensure that no one is left to suffer alone.

79. The Special Rapporteur commends Chilean society for having undertaken a deep reflection on the past and the present. Through its democratic institutions, society has sought to lay the groundwork for a more inclusive future that heals the wounds and traumas of the past, while maintaining the progress that has made Chile a regional leader and taking steps to ensure that said progress becomes a reality for the whole population. Finally, the Special Rapporteur pays tribute to the Chilean people, who have demonstrated with conviction the transformative power of social action as a driver of change and democratic dialogue.

## VII. Conclusions

80. The Special Rapporteur takes note of progress in strengthening institutions and recognizing the rights to freedom of peaceful assembly and of association in Chile. However, legal restrictions persist, as do administrative and law enforcement practices that continue to hinder the full exercise of these fundamental freedoms.

81. Critical challenges also persist, especially in relation to guarantees of non-repetition of the human rights violations that occurred during the social unrest. While the investigation of high-ranking police officials sets a positive precedent, impunity and the lack of effective mechanisms for comprehensive reparation perpetuate the suffering of victims and their families.

82. The Special Rapporteur warns that laws governing the right of peaceful assembly must not be subordinate to restrictive administrative regulations and urges the State to harmonize existing legislation – including the draft legislation on the use of force – with international standards. She also underscores the need to ensure that everyone may freely exercise their rights of assembly and association without discrimination or fear of reprisal or of arbitrary enforcement of the law.

83. Chilean society is demonstrating its firm resolve to become an inclusive democracy based on civic participation and respect for human rights. The Special Rapporteur urges the State not to discourage social mobilization as a legitimate tool for change and stresses the importance of establishing a process of truth and memory regarding the social unrest. Only through acknowledgement, redress and institutional reform will it be possible to move towards a future with justice, social cohesion and full guarantees of non-repetition.

84. The Special Rapporteur underlines that the success of a mature democracy lies in its continued fulfilment of international commitments, regardless of political cycles. The new Government has a historic opportunity to consolidate the progress made and to address unresolved issues, ensuring that the change of government is a catalyst for improvement and not a setback for fundamental freedoms. It bears responsibility for honouring the mandate to protect the entire population, while ensuring that strengthening the institutions of Chile is an irreversible State policy.

## VIII. Recommendations

85. **The Special Rapporteur calls upon the competent authorities to establish a unified legal and operational framework that governs the right of peaceful assembly in accordance with international standards, ensuring legal certainty, transparency in the use of force and the alignment of police protocols with criteria that facilitate and protect human rights. To that end, she specifically recommends that the authorities:**

(a) **Elevate regulations on the right of assembly to the status of law, so that there is a clear legal framework, consistent with international standards, that provides the legal certainty necessary for the full exercise of this right;**

(b) **Ensure the full harmonization of the legal framework and administrative and institutional regulations and protocols related to the exercise of the right of peaceful assembly so that they facilitate the exercise of this right, in accordance with international standards. The State should proceed to amend, modify or repeal any provisions that contravene international human rights obligations;**

(c) **Develop binding operational guidelines that instruct law enforcement officers in the application of protocols adapted to specific intervention scenarios. Police responses should be precisely tailored to the context, distinguishing between the facilitation of peaceful demonstrations, riot management, crowd control and the protection of critical infrastructure. Such guidelines should incorporate the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests;**

(d) **Review, standardize and harmonize protocols on the use of force and less-lethal weapons in the context of public assemblies and demonstrations, ensuring that these protocols are publicly available and accessible in accordance with proactive**

transparency standards. It is essential that fragmented regulations governing various police forces (Carabineros de Chile, the Maritime Police and the Investigative Police) be consolidated and brought into full conformity with international standards, including the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the *Resource Book on the Use of Force and Firearms in Law Enforcement*;<sup>19</sup>

(e) Adopt a clear, precise and agreed definition of the concept of institutional violence, incorporating it into the regulatory framework and relevant public policies, in order to ensure uniform standards for the identification, reporting, prevention and punishment of such violence;

(f) Continue efforts to harmonize legislation with ILO conventions on freedom of association and collective bargaining and other international standards, including by enacting labour laws that recognize trade unions as key agents for democracy and that address all concerns raised by ILO in respect of existing labour legislation;

(g) Intensify efforts to bring the national legal framework into line with ILO Conventions No. 87 and No. 98 and undertake labour reforms in which trade unions are recognized as decisive institutional actors in strengthening democracy. Such reforms should remove existing restrictions on collective bargaining and freedom of association, ensuring an environment conducive to the exercise of fundamental rights in the workplace.

86. The Special Rapporteur calls for the improved management of social protests through preventive dialogue, the eradication of criminalizing narratives, and strict control over the use of force, while ensuring hierarchical accountability and the regulated and transparent use of surveillance technologies. The State should:

(a) Strengthen mechanisms for preventive dialogue and the peaceful resolution of conflicts between authorities and protesters;

(b) Ensure that persons exercising the right of peaceful assembly, especially students and port workers (including stevedores, fishermen and members of Mapuche communities) are not subjected to stigmatization, intimidation or criminalization. This requires recognition that the disruption of public order inherent to protest should not be criminalized or used as a pretext to restrict this fundamental right. Any institutional or doctrinal narratives that associate protesters or social movements with the idea of “internal enemies” must be dismantled;

(c) Ensure that law enforcement officers use non-violent means before resorting to force. If the use of force is unavoidable, it must be proportionate to the gravity of the threat and the objectives pursued, while always respecting human life and the principle of differentiation;

(d) Establish clear mechanisms for determining institutional and hierarchical responsibility in the use of force, identifying those who take decisions and those who implement them. For this, it is necessary to ensure visible and verifiable identification of all police officers during operations and demonstrations;

(e) Adapt the law enforcement agencies’ use of digital technologies during peaceful assemblies, in line with a restrictive approach instead of the principle of authorization that permits extensive use; and review and adopt the recommendations contained in the document “Human rights compliant uses of digital technologies by law enforcement for the facilitation of peaceful protests”;<sup>20</sup>

(f) End the indiscriminate and constant use of drones to surveil entire communities, and then begin a formal process to assess and remedy the resultant harm, including deterrent effects on the rights to freedom of assembly and of association. It is

<sup>19</sup> See <https://www.ohchr.org/en/publications/policy-and-methodological-publications/resource-book-use-force-and-firearms-law>.

<sup>20</sup> See <https://www.ohchr.org/sites/default/files/2024-03/Toolkit-law-enforcement-Component-on-Digital-Technologies.pdf>.

imperative to adopt specific protocols governing the use of any type of uncrewed aerial vehicle, particularly in the context of protests and peaceful resistance. Such protocols must require law enforcement agencies to provide detailed justification for their use on a case-by-case basis, while establishing clear and specific provisions for the monitoring and recording of data, in order to ensure compliance with the principles of legality, necessity and proportionality;

(g) Establish clear guidelines on the mandatory use, storage and review of body camera and security camera footage recorded during protests. It is essential that only body cameras resistant to tampering are deployed.

87. The Special Rapporteur recommends that comprehensive human rights training be expanded and strengthened in all police institutions, linking operational training with monitoring, transparency and community dialogue mechanisms. To that end, the State should:

(a) Consolidate and expand human rights training, ensuring that the model implemented within Carabineros de Chile is extended to the Maritime Police, including the Directorate General of the Maritime Territory and Merchant Marine, the Investigative Police and other relevant actors, such as the Prison Service;

(b) Ensure the continuity of such training, increase the academic workload, regularly evaluate course content and strengthen the gender perspective;

(c) Undertake a joint exercise with communities and other social actors to communicate and assess progress, recognize achievements and identify opportunities for improvement;

(d) Strengthen the link between theory and practice in human rights training by combining instruction on the use of force – emphasizing the principles of necessity and proportionality and respect for human rights in general – with measures that connect mechanisms for recording and monitoring the use of force with training processes. Evaluation of training should cover the development of critical skills such as decision-making and communication.

88. The Special Rapporteur recommends strengthening proactive transparency regarding police equipment, prohibiting the use of multiple projectile ammunition and ensuring the compulsory review of the legality of all police actions involving the use of force. To that end, the State should:

(a) Publish technical information on weapons and equipment deployed by the police when using force, including information on procurement, technical evaluations, protocols for use and compliance with international standards. This includes transparent and regular reporting on the procurement and use of tasers and other equipment for the use of force that the authorities intend to acquire and deploy;

(b) Replace multiple projectile cartridges in riot shotguns with single-shot ammunition, and ensure that any use of less-lethal weapons by any police force complies with international standards of proportionality and necessity;

(c) Conduct thorough investigations into all operations involving the use of force, even when no formal complaints have been filed, to assess the proportionality and legality of the police action.

89. The Special Rapporteur calls upon the authorities to strengthen access to justice and accountability in cases of excessive use of force by developing a regulatory framework on comprehensive reparation, with sufficient funding, and fostering collective memory processes in relation to the social unrest. To that end, the State should:

(a) Ensure that all complaints of excessive use of force against protesters, including incidents that occurred during the social unrest, are investigated promptly, thoroughly and independently and that alleged perpetrators are prosecuted in accordance with the findings of impartial investigations;

(b) Adopt a public policy on comprehensive reparation that is mainstreamed across the State and provides for a specific regulatory framework, sufficient budgetary resources, specific obligations for various public actors, civic participation and accountability mechanisms;

(c) Foster the development of a truth and memory process regarding the social unrest through participatory and inclusive efforts that contribute to collective memory, the establishment of the truth, reparation and non-repetition.

90. The Special Rapporteur recommends increasing the autonomy and operational capacity of judicial and oversight bodies, ensuring the independence of the Public Criminal Defender Service and bolstering the technical and human resources of forensic and investigative services. For this, it is necessary:

(a) To ensure the functional independence of the Public Criminal Defender Service and increase its autonomy from the Ministry of Justice and Human Rights. Regional public defenders' offices should be strengthened, ensuring that they have sufficient budgetary resources to resume the pilot programmes that were successfully implemented in police stations in 2021 and 2022;

(b) To strengthen the Special Unit on Human Rights of the Attorney General's Office and its role in advising regional prosecutors' offices, and to establish regional human rights units with the technical capacity to track the use of weapons and manage audiovisual evidence;

(c) To increase the capacity of the Forensic Medical Service and regional forensic units in order to ensure effective, impartial investigations based on scientific evidence;

(d) To strengthen police units responsible for investigating crimes committed during protests by providing them with adequate human, technical and financial resources. Police forces should have adequate working conditions, appropriate equipment, access to psychosocial and mental health support, and in-service human rights training;

(e) To advance in implementing the recommendations presented by the Presidential Advisory Commission for Strengthening the National Institute of Human Rights.

91. The Special Rapporteur recommends fostering an enabling environment for civil society by streamlining registration processes, removing legal barriers to participation and allocating resources equitably, while ensuring that all regulation of the sector complies with international standards on freedom of association and avoids stigmatizing narratives. To that end, the State should:

(a) Modify the registration procedures that associations must follow to obtain legal personality, ensuring that they can be completed quickly and in accordance with clear and precise criteria in all regions. This requires that municipal officials be provided with guidelines and support so that they can carry out their duties effectively;

(b) Remove the requirement for individuals and associations to be legally registered in order to engage in institutional dialogue and civic participation processes;

(c) Provide greater support and resources to civil society, particularly organizations that monitor human rights, and foster an enabling environment in which civil society organizations receive the same support as actors in the business sector;

(d) Ensure that any legislation intended to regulate the civil society sector respects international standards on freedom of association, avoiding stigmatization and the manipulation of global agendas such as those related to counter-terrorism and the fight against money-laundering.

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