

**Social and Political Crisis in Chile 2019-2020  
Systematic and Widespread  
Human Rights Violations**

**QUEBEC AND CANADIAN MISSION REPORT OF  
HUMAN RIGHTS OBSERVATION IN CHILE**

Held from 18 to 27 January 2020



Montreal, June 2020



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## **Quebec and Canadian Mission Report of human rights observation in Chile**

Held from 18 to 27 January 2020

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**Cover photo :** "Nunca más" (Never again), work exhibited at the entrance of London 38, former center of repression and extermination, in memory of the victims of the military dictatorship, Santiago de Chile (<https://www.londres38.cl/>). Marcos Ancelovici, 2020.

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## 1. In solidarity with the Chilean people: so far away and yet so close to us

Concerned about the serious human rights violations that have occurred in Chile since the social outburst of October 18, 2019, various labor, political and research organizations in Quebec, in collaboration with the Corporation for the Defense and Promotion of People's Rights (CODEPU) and the Chilean Citizen Observatory (OCC)<sup>1</sup>, have agreed to organize a human rights observation mission to the country.

This observation mission, which took place in Chile from January 18 to 27, 2020, sought to follow up on the work of the [International Civil Society Human Rights Observation Mission](#), in which the Committee for Human Rights in Latin America (CDHAL)<sup>2</sup> of Montreal participated from November 6 to 11, 2019. It also drew on the work of three other international missions: Amnesty International, Human Rights Watch, and the Office of the United Nations High Commissioner for Human Rights. A few days after the return from our mission, the Inter-American Commission on Human Rights (IACHR) also visited Chile<sup>3</sup>.

The purpose of this new mission was to gather, from Chilean human rights organizations and various social and political actors, various pieces of information and analysis to update and complete the various national and international reports previously produced.

Adopting an integral view of human rights, which takes into account the globality of political, social and economic rights as well as their necessary interdependence, the members of this observation mission wanted to pay particular attention to collective rights, justice and impunity, freedom of expression and of the press, social, environmental, cultural, labor and trade union rights, as well as those of women, indigenous peoples and migrants – particularly with regard to their freedoms of expression and organization, which are visibly undermined.

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<sup>1</sup> CODEPU is a non-governmental human rights organization founded in 1980 during the military dictatorship in Chile. For forty years it has been providing assistance to victims of human rights violations and their families and fighting against impunity ([codepu.cl/](http://codepu.cl/)). The OCC is a non-profit, non-governmental organization dedicated to the defense, promotion, and documentation of human rights. It was founded in 2004 in the city of Temuco, Chile, as the Observatory for the Rights of Indigenous Peoples ([observatorio.cl/](http://observatorio.cl/)).

<sup>2</sup> The CDHAL is an international solidarity organization, founded in Montreal in 1976 in the context of human rights violations following the coups d'état in Argentina and Chile, which works for the defense and promotion of human rights in reciprocity with social movements and communities in Latin America in the struggle for social, environmental, economic, and cultural justice (<https://www.cdhal.org>).

<sup>3</sup> Amnesty International's report was released on November 21, 2019; Human Rights Watch's report was released on November 26, 2019; the Office of the United Nations High Commissioner for Human Rights' report was released on December 13, 2019; the IACHR's report was released on December 10, 2019 and January 31, 2020. The latter returned to Chile for a second emergency mission, from January 25 to 31, 2020, stating that "Chile is experiencing a serious human rights crisis" and that "the increase in the criminalization (of demonstrations) is unacceptable" (our translation). Associated Press (2020). IACHR: Chile lives a serious crisis of human rights, [Online] (January 31). [[apnews.com/446f4f8fabbe4b16bcb245e81977cc16](https://apnews.com/446f4f8fabbe4b16bcb245e81977cc16)].

The members of the mission also worked to place these rights in the context of current social mobilizations and their possible place in a new constitution. All of this with the objective of making the Quebec and Canadian public aware of what is happening with regard to citizen participation as well as human rights violations in Chile, and in order to challenge the Liberal government of Justin Trudeau, which to date has maintained a worrisome silence on this issue.

Following a long tradition of solidarity shown by the people of Canada and Quebec towards the Chilean people, particularly during the 1973 coup d'état<sup>4</sup>, the mission thus wishes to participate in the strengthening of solidarity ties between Chilean and Quebec social and political organizations at a crucial time for the future of democracy in Chile.

In fact, as far away as it may be from us, Chile, the cradle of the neoliberal model, remains in some respects – as we will see below – very close to the social and political concerns that may be prevalent here in Quebec, reminding us as never before of the importance, in a now globalized world, of active solidarity among peoples.

Comprising delegates from various specializations, experiences and areas of social intervention (members of the parliaments of Quebec and Canada, trade unionists, members of civil society, and the world of education), the mission was able to produce, between January 19 and 27, 2020, thanks to the invaluable collaboration of CODEPU and the OCC, 65 hours of interviews in Santiago, Antofagasta and Valparaíso, with 99 people from 51 organizations.<sup>5</sup>

It also held two press conferences. The first one took place in Santiago on January 27, 2020, and was widely covered in the major daily and weekly newspapers (*La Tercera*, *El Ciudadano*, *The Clinic*) as well as on international channels (*CNN*) and digital platforms (*El Desconcierto*, *El Mostrador*) or radio stations (*Radio U. de Chile*, *ADN Hoy*, *Radio El Mirador del Gallo*). The second was held in Montreal on February 3, 2020 and was covered by various media, including the *Journal Métro*<sup>6</sup> and media of the Chilean community in Quebec. This was followed by several interviews with members of the delegation conducted, among others, by *CBC*, *ICI Radio-Canada*, *RCI*, *CKIA-FM* and by foreign media. In addition, articles appeared in Quebec during the mission in *Le Journal de Montréal* and *Le Soleil*, and a report was broadcast on *TVA Nouvelles*. There were also various

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<sup>4</sup> This was not the only moment: one can think, for example, of the Quebec mission present during the 1988 plebiscite and the pan-Canadian mission present during the December 14, 1989 election of Patricio Aylwin.

<sup>5</sup> These include civil society organizations (legal support, first aid, medical and psychological intervention for victims and families, human rights defense, social communication and diffusion, women's, environmental, territorial and indigenous organizations, as well as popular neighborhoods), as well as trade union, sectoral and national organizations, student federations of secondary and university education, university research centers, professional associations of journalists and doctors, parliamentarians and government representatives, state institutions specialized in human rights (National Institute of Human Rights [INDH], Office of the United Nations High Commissioner for Human Rights), and victims.

<sup>6</sup> Ouellette Vézina, Henri (2020). «Crise au Chili : Ottawa doit agir rapidement, tranche un collectif québécois», *Journal Métro*, [Online] (February 4). [[journalmetro.com/actualites/national/2416953/crise-au-chili-ottawa-doit-agir-rapidement-tranche-un-collectif-quebecois/](http://journalmetro.com/actualites/national/2416953/crise-au-chili-ottawa-doit-agir-rapidement-tranche-un-collectif-quebecois/)].

activities of the delegation to inform and raise awareness in Montreal, Quebec City, Ottawa and Geneva.

The mission comprised:

- Luc Allaire, responsible for international relations at the Centrale des syndicats du Québec (CSQ) and president of the Centre international de solidarité ouvrière (CISO);
- Marcos Ancelovici, Canada Research Chair in the Sociology of Social Conflict and Associate Professor in the Department of Sociology, Université du Québec à Montréal;
- Marie-Christine Doran, full professor in the School of Political Studies at the University of Ottawa and director of the Observatory on Violence, Criminalization and Democracy;
- Denise Gagnon, union representative from the Fédération des travailleurs et travailleuses du Québec (FTQ) and president of the Salvador Allende Fondation of Montréal;
- Pierre Mouterde, essayist and former professor of philosophy at Cégep Limoilou;
- Isabel Orellana, full professor specializing in social-ecological conflicts at the Université du Québec à Montréal, member of the Executive Committee of the Centre de recherche en éducation et formation relatives à l'environnement et à l'écocitoyenneté (Centr'ERE);
- Ricardo Peñafiel, Associate Professor in the Department of Political Science at the Université du Québec à Montréal, vice-president (interunion relations) of the Teachers' Union of UQAM (SPPEUQAM), codirector of the Groupe de recherche sur les imaginaires politiques en Amérique latine (GRIPAL), union representative of the Conseil central du Montréal métropolitain (CCMM), the Confédération des syndicats nationaux (CSN) and the Fédération nationale des enseignantes et enseignants du Québec (FNEEQ);
- Simon-Pierre Savard-Tremblay, deputy of the Bloc Québécois in the Parliament of Canada;
- Sol Zanetti, deputy of Québec Solidaire in the National Assembly of Québec.

This plurinational delegation was primarily made up of representatives of Quebec organizations.

## **2. The social and economic context: "It's not 30 pesos, but 30 years [of abuse]!"**

What, then, is the social and economic context that gave rise to the proliferation of human rights violations currently observed by several institutions?

The crisis originated on October 6, 2019, when a new increase in the price of subway tickets was announced.<sup>7</sup> High school students refused to pay for this increase by jumping over the turnstiles

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<sup>7</sup> The decree of the Ministry of Transport and Telecommunications that established a new fare structure, including an increase in the cost of the subway ticket during rush hours, caused a lot of concern in Chilean society. It was the third increase since the beginning of President Sebastián Piñera's mandate, in March 2018. It should be noted that, during the last twelve years, transport tariffs increased by 80%. Moreover, transport represents the second most significant expenditure of Chilean households. SAMPSON, Ximena (2019). « Quatre questions pour

collectively. These actions, called *evasiones*, peacefully flourished and spread to all users of the Santiago subway until they were violently repressed by Chile's military police (*carabineros*) in the corridors of the subway on October 18, 2019. In the face of such violence by the security forces, there was massive public support for the protest movement, which resulted in huge demonstrations and concerts of *cacerolazos* throughout the country<sup>8</sup>, accompanied, in the early days, by fires in subway stations (whose perpetrators are still unknown), as well as looting and destruction of businesses. On October 18, 2019, President Piñera<sup>9</sup> used the State Internal Security Act and declared a state of emergency, which came into effect during the night of October 18-19, 2019 and lasted until October 28, 2019. A curfew was also decreed, first in Santiago and in the large cities, while the army patrolled the streets. A spiral of repressive violence began which, by October 23, 2019, according to the National Institute of Human Rights (INDH), had already resulted in 18 deaths, 269 wounded and more than 1,900 people arrested. Which did not prevent, on Friday, October 25, 2019, 1.2 million people from gathering in the center of Santiago, in the Dignity Square, for a demonstration of a magnitude never seen before in Chilean history. Most of Chile's cities have also experienced major demonstrations.

How does one explain such social upheaval? In fact, the announced increase in the subway price was the straw that broke the camel's back, the detonator that suddenly brought to light the extent of the social frustrations experienced for at least three decades by large sectors of the Chilean population, giving rise to a social outburst or rather an unexpected, lasting and powerful citizen and popular uprising. "*¡Ya basta!*" (*that's enough*), "*It's not 30 pesos, but 30 years!*" that must be put an end to, was a refrain that could be heard from the very first days of the uprising.<sup>10</sup> As if, through the repressive measures brutally put in place by the government, the shadow of the dictatorship and its painful legacy – a *déjà vu* – suddenly came back to haunt Chileans.

One must recall that Chile is the first country in the world where what has been called neoliberalism was forcefully and systematically implemented, and this under the dictatorship of General Pinochet (1973-1989), which was governed by the doctrine of national security. This

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comprendre les émeutes au Chili», *Radio-Canada*, [Online] (October 26). [[ici.radio-canada.ca/nouvelle/1362306/chili-manifestations-inegalites-sociales-causes-analyse](http://ici.radio-canada.ca/nouvelle/1362306/chili-manifestations-inegalites-sociales-causes-analyse)].

<sup>8</sup> A *cacerolazo* consists of a group of people making noise by banging pots, pans, and other utensils in order to call for attention. The central squares of the country's main cities are the scene of emblematic and regular events, especially every Friday evening, where tens of thousands of people gather. In Santiago, they take place in Baquedano Square, now renamed Dignity Square; in Antofagasta, in Sotomayor Square, now renamed Revolution Square; and in Valparaíso, in Aníbal Pinto Square, now called Resistance Square.

<sup>9</sup> On Sunday, October 20, 2019, President Piñera declared: "We are at war against a powerful, implacable enemy, who does not respect anything or anyone, who is willing to resort to violence and delinquency without any limits." (our translation) CNN Chile (2019). « Piñera : "Estamos en guerra contra un enemigo poderoso" », [Online] (October 21). [[cnnchile.com/pais/pinera-estamos-en-guerra-contra-un-enemigo-poderoso\\_20191021/](http://cnnchile.com/pais/pinera-estamos-en-guerra-contra-un-enemigo-poderoso_20191021/)]. In this optic, the objective of the state of emergency would be to recover institutional normality.

<sup>10</sup> Already in 2006 (with the *pingüinos*, i.e. high school and grade school students), in 2011 (with students), in 2012 in Puerto Aysén (with a coordination of social organizations of the region), in 2016 (with the mobilizations for pension reform) huge peaceful demonstrations involving thousands, even hundreds of thousands, of Chileans demanded significant changes in health, education, pensions or the distribution of regional resources, but always to no avail.

particular mode of regulating capitalism – still in force today and basically an anti-state interventionism – promoted privatization, deregulation and generalized trade liberalization, giving rise to a model of society where absolute market freedom was imposed on the population by an authoritarian political regime supported by a constitution resulting from the dictatorship.

Although, since the return to democracy in 1990, ruling governments (particularly the five center or centre-left governments<sup>11</sup>) have sought to mitigate the most brutal forms of this model, they have been careful not to attack the heart of the system, thus causing immense social inequalities to develop in a country long considered by elites as a model of economic growth for Latin America. In 2017, the poorest 50 per cent of households had access to 2.1 per cent of the country's net wealth, while the richest 1 per cent held 26.5 per cent<sup>12</sup>. Chile, along with Mexico, is one of the two most unequal countries in the Organization for Economic Cooperation and Development (OECD)<sup>13</sup>.

A regime has thus been set up in which health, education, retirement, and water management systems have been completely or largely privatized – objects of excessive profit and enrichment for the richest Chileans<sup>14</sup>. Water, for example, though recognized<sup>15</sup> as a common good of humanity and a human right,<sup>15</sup> has become a resource that can be sold, auctioned and monopolized for private profit. The same is true for public health and education, which have been starved of support, and for the particularly unfairly funded pension system, which provides only a miserable

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<sup>11</sup> Patricio Aylwin Azócar, 1990-1994; Eduardo Frei Ruiz-Tagle, 1994-2000; Ricardo Lagos Escobar, 2000-2006, Michelle Bachelet Jeria, 2006-2010 and 2014-2018.

<sup>12</sup> Comisión Económica Para América Latina y el Caribe (CEPAL) (2019). *Panorama Social de América Latina, 2018*, Santiago, [Online], 225 p. [[cepal.org/es/publicaciones/44395-panorama-social-america-latina-2018](http://cepal.org/es/publicaciones/44395-panorama-social-america-latina-2018)].

<sup>13</sup> According to the latest OECD data, Chile and Mexico both have a Gini index (the main indicator used to measure income inequality) of 0.46 (0 meaning full equality and 1 meaning full inequality). Organization for Economic Cooperation and Development [n.d.]. *Income inequality*, [Online]. [[data.oecd.org/inequality/income-inequality.htm](http://data.oecd.org/inequality/income-inequality.htm)].

<sup>14</sup> Also, according to ECLAC figures, the minimum monthly wage in Chile was 301,000 pesos in October 2019, the equivalent of about 500 Canadian dollars. Old-age pensions for people over 65 years of age (more than half of the elderly have this income alone) are a little more than a third of the minimum wage (110,201 pesos), which is a little more than the equivalent of 167.14 Canadian dollars, even though the cost of living in Chile is roughly the same as in Canada! According to the Sol Foundation, three out of four workers earn less than 500,000 pesos per month, and 54.3% of them earn less than 350,000 pesos per month. In the case of women, 50% earn less than 300,000 pesos per month. This means that six out of ten people working full time are unable to obtain a salary that would allow them to rise above the poverty line for a family of four (418,228 pesos in December 2017). *eldesconcierto.cl* (2019). *6 de cada 10 personas que trabajan jornada completa en Chile no podrían sacar a una familia promedio de la pobreza*, [Online] (May 1). [[eldesconcierto.cl/2019/05/01/6-de-cada-10-personas-que-trabajan-jornada-completa-en-chile-no-podrian-sacar-a-una-familia-promedio-de-la-pobreza/](http://eldesconcierto.cl/2019/05/01/6-de-cada-10-personas-que-trabajan-jornada-completa-en-chile-no-podrian-sacar-a-una-familia-promedio-de-la-pobreza/)]. It should be added that – following government promises – increases of 50% for retired people aged 80 (55,000 pesos more), 30% for those aged 75-79 (33,000 pesos more) and 25% for those under 75 (27,500 pesos more) are planned, but not yet implemented. These are derisory amounts compared to the needs and existing social inequalities.

<sup>15</sup> Resolution adopted in 2010 at the UN General Assembly: *The human right to water and sanitation*.

pension to the vast majority of people over 65 (the equivalent of \$167 Canadian dollars a month)<sup>16</sup> in a context where employees who are obliged to contribute have no right of supervision over the management of their contributions. In addition, the serious structural crisis of housing is manifested, among other things, by the appearance of camps and land grabs, which then become *poblaciones*, the name given to Chile's poor neighborhoods.

### 3. A damaging legacy: the 1980 Constitution and its antidemocratic mechanisms

*The Political Constitution of the Republic of Chile* of 1980, established at that time by General Pinochet, not only embodies a cursed legacy, but continues to participate directly in its perpetuation. Conceived by far-right lawyer and constitutionalist Jaime Guzmán as a set of fundamental laws drawing its authority from the nation, the constitution seeks to establish a "subsidiary" (or secondary) role for the state, to protect the right to own property, to trade and do business, while ensuring through a complex voting mechanism (including the 2/3 majority vote requirement, which gives de facto veto power to right-wing conservative forces), or effectively seeking to maintain a radical separation between the highly paid political class<sup>17</sup> and the social aspirations of civil society. In addition, the Chilean military continues to play an important role in internal security through the National Security Council (COSENA). Though COSENA, established by Articles 106 and 107 of the 1980 Constitution, is no longer chaired by the Commander-in-Chief of the Armed Forces since the 2005 constitutional reforms, the military are still members of it and remain responsible for "advising the President of the Republic on matters of national security"<sup>18</sup>, as was the case in 2005 at the time of large demonstrations by the *pobladores* – people living in popular neighborhoods – and in 2019, at the time of the social uprising, when the government called for "strengthening the Armed Forces and law and order".<sup>19</sup>

It is precisely through this set of constitutional locks that many of the social demands of the last 30 years have been systematically blocked or postponed. It is these locks that are today at the heart of the social demands of a very large majority of Chileans who are demanding a constituent

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<sup>16</sup> It should be noted that the military and police pension plans are much more generous.

<sup>17</sup> Chilean MPs' salaries are among the highest in Latin America: the equivalent of \$15,770 Canadian dollars (9,349,851 Chilean pesos) gross per month, or nearly \$189,240 per year, not including all the expenses related to their function, which they can be reimbursed for. La Tercera (2019). *¿Cuánto le cuesta al Estado un parlamentario?*, [Online] (October 24). [[latercera.com/politica/noticia/cuanto-ganan-los-parlamentarios-chile-2/876423/](http://latercera.com/politica/noticia/cuanto-ganan-los-parlamentarios-chile-2/876423/)]. As many of the people we met pointed out to us, politicians are part of an elite totally disconnected from the concerns of the average Chilean – a feeling widely shared by Chileans.

<sup>18</sup> Alemán, Paola (2019). «¿Qué es el Cosena invocado 2 veces por el mismo presidente, cómo se rige y quiénes lo conforman?», *biobiochile.cl*, [Online] (November 7). [[biobiochile.cl/noticias/nacional/chile/2019/11/07/que-es-el-cosena-invocado-2-veces-por-el-mismo-presidente-como-se-rige-y-quienes-lo-conforman.shtml](http://biobiochile.cl/noticias/nacional/chile/2019/11/07/que-es-el-cosena-invocado-2-veces-por-el-mismo-presidente-como-se-rige-y-quienes-lo-conforman.shtml)].

<sup>19</sup> Villa J., Camilo (2019). « Reunión del Cosena: La Moneda pide fortalecer a las Fuerzas Armadas y de Orden », *diarioUchile*, [Online] (November 7). [[radio.uchile.cl/2019/11/07/reunion-del-cosena-la-moneda-pide-fortalecer-a-las-fuerzas-armadas-y-de-orden/](http://radio.uchile.cl/2019/11/07/reunion-del-cosena-la-moneda-pide-fortalecer-a-las-fuerzas-armadas-y-de-orden/)].

assembly to finally put an end to the authoritarian legacy of the dictatorship<sup>20</sup>. However, on November 15 and in the midst of a popular uprising, this fundamental demand of the Chilean people was negotiated behind closed doors between the government and opposition political forces, resulting in the Social Peace Agreement and a possible new constitution. This agreement is highly contested by large sectors of the population, as it does not commit to any measures to end the magnitude of ongoing human rights violations. For many Chileans it represents only an uncertain compromise, signed by representatives of a highly delegitimized political class.<sup>21</sup> Because, while President Piñera finally agreed to hold a plebiscite, initially scheduled for April 26, 2020, on what he calls a new "constitutional convention", he has arranged for the chosen mechanism not to challenge the 2/3 majority norm or allow a possible constitutional convention to be fully sovereign, master of all its decisions as a constituent assembly should be. Initially arousing strong disillusionment and fear among the Chilean population about the real potential for change of this constituent process, many social sectors continued to mobilize, in a context of brutal and lethal repression, to obtain guarantees of representation, including gender, of indigenous peoples and independent delegates. Thanks to the relentless mobilization of women, on a scale unequalled in Chilean history, the issue of gender parity for the constituent representatives was finally included in the plebiscite agreement.<sup>22</sup>

The questions of the plebiscite, resulting from the agreement between the majority of the opposition forces<sup>23</sup> and the government, on which the public will vote are as follows:

- 1) Do you want a new constitution? (I approve, I reject);

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<sup>20</sup> The demand for a new constitution, through different consultative or participatory mechanisms, has a long history within social movements and political parties. Among others, it is worth mentioning the Popular Way to the Constituent Assembly (*Vía Popular a la Constituyente*), the constituent assembly project launched by the *pobladores* movement in 2005, and the consultation exercise carried out during Bachelet's second government (2014-18).

<sup>21</sup> As the CEP (*Centro de Estudios Públicos*) (Center for Public Studies), an autonomous think tank known for the rigor of its longitudinal opinion surveys, shows in a recent survey it conducted, only 2% of those surveyed still trusted political parties and 3% trusted Congress. The rest of the study shows the extent to which Chilean institutions as a whole have lost the trust of the population. Institutions that had relatively high levels of trust have collapsed altogether. Confidence in the *carabinieri* (police), for example, fell from 57 per cent in 2015 to just 17 per cent in December 2019. Confidence in the Catholic Church fell from 31% to 14%; confidence in the Armed Forces fell from 50% to 24%; and confidence in television fell from 24% to 8%. President Piñera, for his part, has the confidence of only 6% of the population. This loss of confidence in the institutions does not completely spare the representatives of the left, who are also losing a lot of credibility. G. Jackson and G. Boric of the Frente Amplio lost 17 per cent and 11 per cent of support respectively, each settling at 19 per cent support, after signing the social peace agreement and the new constitution. Centro de Estudios Públicos (2019). *Estudio Nacional de Opinión Pública N° 84*, [Online] (December). [\[cepchile.cl/cep/site/docs/20200116/20200116081636/encuestacep\\_diciembre2019.pdf\]](http://cepchile.cl/cep/site/docs/20200116/20200116081636/encuestacep_diciembre2019.pdf).

<sup>22</sup> NODAL (2020). *Congreso de Chile aprueba paridad de género para la Asamblea Constituyente*, [Online] (March 4). [\[nodal.am/2020/03/congreso-de-chile-aprueba-paridad-de-genero-para-la-asamblea-constituyente/\]](http://nodal.am/2020/03/congreso-de-chile-aprueba-paridad-de-genero-para-la-asamblea-constituyente/).

<sup>23</sup> Only the Communist Party and small left-wing parties in the Frente Amplio electoral coalition did not sign the agreement.

- 2) What type of body should draft the new constitution?:
  - a. A mixed agreement (50% elected members, 50% parliamentarians), or
  - b. A constitutional convention (with 100% elected members).

After the "preliminary" plebiscite on April 26, 2020, there would have been, in October 2020, the election of the constituents whose work of drafting the new constitution would take nine months (with a possible three-month extension), followed by a "final" plebiscite to ratify the work of the constituents. However, the current COVID-19 crisis has prompted the government and all political parties to postpone the plebiscite scheduled for April 26, 2020 to October 25, 2020<sup>24</sup>.

In parallel with this agreement, the government made several announcements, including the cancellation of the subway fare hike and increases in the minimum wage and pensions for retirees. These increases were strongly criticized as insufficient to meet the critical needs in this area.

It is thus in a very particular socio-political context that the observation mission undertook its work: a context of both powerful democratic hopes and strongly repressed citizen mobilizations, of fear of a political exit conceived around a plebiscite and an uncertain constitutional convention.

#### **4. Systematic and widespread human rights violations**

##### **4a) An integral vision of human rights**

As mentioned, the mandate of the Quebec and Canadian mission was to document the human rights violations that occurred in the three months following the popular uprising in Chile, in order to update and complete the data from previous international missions. However, it should be noted that the mission chose to use an integral concept of human rights<sup>25</sup>, taking into account the essential indivisibility and interdependence of political, social, economic, cultural and environmental rights, both individual and collective, and paying particular attention to the rights of trade unions, labor, women, sexual minorities, indigenous peoples, migrants, prisoners, as well as rights related to environmental issues. This has been done with particular attention – in the context of the current situation in Chile – to the rights to life, integrity, dignity, freedom of opinion, assembly, press, expression, association and demonstration.

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<sup>24</sup> La Tercera (2020). *Blumel valora acuerdo de partidos por nueva fecha para el plebiscito: 'El gobierno quedó conforme y el Presidente también'*, [Online] (March 19). [[lattercera.com/politica/noticia/blumel-valora-acuerdo-de-partidos-por-nueva-fecha-para-el-plebiscito-el-gobierno-queda-conforme-y-el-presidente-tambien/G7MVZYXANVDCXBHKFIZQ74OHQ4/](https://lattercera.com/politica/noticia/blumel-valora-acuerdo-de-partidos-por-nueva-fecha-para-el-plebiscito-el-gobierno-queda-conforme-y-el-presidente-tambien/G7MVZYXANVDCXBHKFIZQ74OHQ4/)].

<sup>25</sup> This is the approach favored by Chilean human rights organizations such as the INDH (see its annual 2018 report, Instituto Nacional de Derechos Humanos (2018). *Informe Anual 2018 : Situación de los Derechos Humanos en Chile*, which is mentioned in Appendix 3) and the Centro de Derechos Humanos of the Universidad Diego Portales (see the 2019 annual report: Centro de Derechos Humanos UDP Facultad de Derecho (2019). *Informe anual sobre Derechos Humanos en Chile 2019*, also in Appendix 3).

We did not want the seriousness of the current situation of human rights violations to conceal the violations of all other rights that have led, on the one hand, to the social uprising and, on the other hand, to the indiscriminate repression of the Chilean population.

On the basis of this pluralist and inclusive vision of rights, here are the first two major observations that the mission was able to make at the end of its stay:

- The human, civil and political rights to life, to dignity (to freedom of expression, the right to demonstrate, to assemble, etc.) have been systematically violated since October 18, 2019;
- Economic, social, cultural, and environmental rights continue to be largely ignored.

#### **4b) Right to life and dignity massively violated**

The mission built on the important work that had already been done by other observation missions or human rights institutions, agreeing to take as a starting point the report of the INDH ([Instituto nacional de derechos humanos](#)), which investigated police stations, health centers and demonstrations from October 17, 2019 to January 31, 2020<sup>26</sup>.

It should be noted, however, that the INDH is an institution of the Chilean State, which, though officially independent<sup>27</sup>, has several government-appointed members, including its director.

It should also be pointed out that the only data collected by the INDH are those witnessed by its own observers. This operating rule, though possibly appearing as a requirement of rigor, leaves aside everything that could not be verified by the Institute's accredited observers. This becomes all the more problematic when we know – as several of the testimonies collected show – that the observers are often not sufficient for the task, being too few in number and, in certain regions (as in Antofagasta, where there are only four to cover a vast territory), not always where they should be to observe the numerous and serious human rights violations.

It must therefore be presumed that human rights violations are largely underestimated and represent only part of the magnitude of the existing phenomenon<sup>28</sup>. With these very important caveats in mind, however, the following findings and figures can be taken as a starting point:

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<sup>26</sup> The INDH report of January 31, 2020 mentions that 70 hospitals and health centers were visited (p. 3), and it speaks of 1,224 observations in police stations (p. 10).

<sup>27</sup> The INDH was created during Bachelet's first government in 2009. Its leadership is composed of two representatives elected by the Assembly of Deputies, two by the Senate, one by the current president, one by the Supreme Court, and four by civil society.

<sup>28</sup> It should be noted that other official sources produce different figures from those of the INDH. For example, without specifying its criteria and method of data collection, the Public Prosecutor's Office (*Fiscalía nacional de Chile*) affirms that between October 18 and November 30, 2019, there were 5,558 cases of human rights violations by state agents, of which 4,525 involved men and 1,031 involved women, including 834 children and adolescents. Fiscalía de Chile (2020). «Fiscalía eleva a 5.558 las víctimas que denuncian violaciones a Derechos Humanos desde el inicio de las manifestaciones sociales», [Online] (January 31). [[fiscaliadechile.cl/Fiscalia/sala\\_prensa/noticias\\_det.do?id=17285](https://fiscaliadechile.cl/Fiscalia/sala_prensa/noticias_det.do?id=17285)].

- The INDH report notes, particularly on the part of the police, recurrent patterns of non-compliance with protocols for the maintenance of public order, involving arbitrary detentions, excessive use of force in arrests, use of tear gas in the presence of the elderly, children and pregnant women, and the firing of tear gas grenades or *perdigones*<sup>29</sup> at the bodies and faces of demonstrators, dispersal of demonstrators without cause, lack of gradation in the use of force, lack of advance notice of the use of force, persons seriously injured by the firing of tear gas grenades or *perdigones*, arrests of press representatives, unidentified plainclothes police and soldiers<sup>30</sup>.
- Without making explicit reference to the number of deaths (as of February 3, 2020, the most relevant figure was 31 dead<sup>31</sup>), the INDH report of January 31, 2020 counted a total of 3,748 people injured, of whom 2,141 were shot by police firearms (79% of them by *perdigones* shots), with 427 suffering some type of eye injury (29 of them ending up with partial or total loss of sight).
- The INDH report found a total of 9,545 people who were arrested (12% of whom were children and adolescents), including a large number of arbitrary detentions of people who were peacefully demonstrating or standing near places of protest. Also, according to the reports sent to the mission members by the organizations interviewed, an unknown number of people were arrested without being recorded (these people were transported, locked in police vans, brutally beaten, threatened, often insulted, and then abandoned in isolated places). The INDH found that nearly 10,000 people were arrested in connection with the demonstrations. However, other sources, including official sources, gave much higher figures. For example, according to the Public Prosecutor's Office, on January 18, 2020, after three months of mobilization, there were more than 22,000 arrests<sup>32</sup>.
- The INDH report found a series of human rights violations against detainees in police stations, with 886 cases of excessive use of force, 192 cases of sexual violence (of which 179 were cases of exposure), and 463 cases of cruel, inhuman or degrading treatment.

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<sup>29</sup> *Perdigones* are very small lead bullets coated with a thin layer of rubber (a special type of buckshot). According to Tec Harseim, the company that produces *perdigones*, **they should not be fired** at a distance of less than 30 meters and only the lower legs should be aimed at. VELOSO, Luciano (2019). «Proveedor de perdigones detalla las restricciones no contempladas en el protocolo de Carabineros», *biobiochile.cl*, [Online] (December 27). [[biobiochile.cl/noticias/nacional/chile/2019/12/27/proveedor-de-perdigones-detalla-las-restricciones-no-contempladas-en-el-protocolo-de-carabineros.shtml](http://biobiochile.cl/noticias/nacional/chile/2019/12/27/proveedor-de-perdigones-detalla-las-restricciones-no-contempladas-en-el-protocolo-de-carabineros.shtml)].

<sup>30</sup> Police intervention protocols were updated in March 2019. For the official description of the Chilean Ministry of the Interior, see: Ministerio del Interior y Seguridad Pública (2019). *Diario oficial de la Republica de Chile*, [Online] (March 4). [[diariooficial.interior.gob.cl/publicaciones/2019/03/04/42295/01/1556120.pdf](http://diariooficial.interior.gob.cl/publicaciones/2019/03/04/42295/01/1556120.pdf)].

<sup>31</sup> This figure includes people who are believed to have died in looting and burning, as well as those who were killed by gunshots.

<sup>32</sup> Reyes, Verónica (2020). «A 3 meses del estallido social: más de 22 mil personas han sido detenidas y 3.600 sufrieron lesiones», *biobiochile.cl*, [Online] (January 18). [[biobiochile.cl/noticias/nacional/chile/2020/01/18/a-3-meses-del-estallido-social-mas-de-22-mil-personas-han-sido-detenidas-y-3-600-sufrieron-lesiones.shtml](http://biobiochile.cl/noticias/nacional/chile/2020/01/18/a-3-meses-del-estallido-social-mas-de-22-mil-personas-han-sido-detenidas-y-3-600-sufrieron-lesiones.shtml)].

- The INDH report points out that, based on the observations made and denunciations received, 1,215 judicial indictments in favor of 1,527 victims have been presented before the courts.

On the basis of these data and following the information that the mission itself was able to gather during its stay from several human rights organizations (including representatives of the Office of the United Nations High Commissioner for Human Rights involved in the drafting of its official report on human rights<sup>33</sup>), the observation mission came to the conclusion that:

- Although the figures in the latest INDH report show that the human rights violations observed by this organization have decreased compared to those that occurred during the state of emergency (October 18-28, 2019), repression and human rights violations continue to occur in Chile on a constant basis, affecting specific places and social sectors (such as working-class neighborhoods, migrant and indigenous populations, etc.)<sup>34</sup> and taking place in a permanent context of intimidation of the population and criminalization of social protest<sup>35</sup>.
- These violations, which have obviously continued despite United Nations (UN) appeals to the Chilean government, most recently on March 12, 2020<sup>36</sup>, can be seen in the following specific forms:
  - Injuries by *perdigones* and tear gas grenades;
  - Sexual violence and abuse (exposing, squatting, touching, rape, etc.);
  - Unregistered detentions, sometimes carried out by plainclothes policemen;
  - Beatings of detainees in public places, vans, and police stations;
  - Pressure on hospital medical staff to take injured protesters into custody more quickly<sup>37</sup>;

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<sup>33</sup> United Nations Human Rights (2019). *UN Human Rights Office report on Chile crisis describes multiple police violations and calls for reforms*, [Online] (December 13). [[ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=E)].

<sup>34</sup> As a symptomatic example, in Santiago, the neighborhoods of Lo Hermida (where we visited) and Pudahuel, or in Antofagasta, the neighborhoods of La Bonilla or Miramar, or the precarious camps of migrants perched on the slopes of the mountains overlooking the city.

<sup>35</sup> For example, having a mask in one's backpack to protect oneself from gas is sufficient for one to be stopped by the police or be illegally detained. One can also think of the anti-pillage, anti-barricade and anti-hood laws, adopted in January 2020, which legitimize these practices by giving them legal backing.

<sup>36</sup> Jan Jarab, representative of the Office of the UN High Commissioner for South America, reported on March 12, 2020, that "this office has not been able to see significant progress on many of the recommendations contained in the December 2019 report". Naciones Unidas Derechos Humanos (2020). Chile : ONU Derechos Humanos pide acelerar implementación de recomendaciones a tres meses de informe, [Online] (March 12). [[acnudh.org/onu-derechos-humanos-pide-acelerar-implementacion-de-recomendaciones-a-tres-meses-de-informe/](https://www.acnudh.org/onu-derechos-humanos-pide-acelerar-implementacion-de-recomendaciones-a-tres-meses-de-informe/)].

<sup>37</sup> United Nations Human Rights (2019). *UN Human Rights Office report on Chile crisis describes multiple police violations and calls for reforms*, [Online] (December 13). [[ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=E)].

- The massive and indiscriminate use of tear gas, which regularly asphyxiates entire neighbourhoods, affecting the health and well-being of large sectors of the population (whether or not they participated in demonstrations), including the elderly, children and the disabled. The members of the mission found that this practice is used regularly in the popular neighborhoods on the outskirts – as explained to us in Lo Hermida, where we were welcomed by the women of the feminist association Feminismo Comunitario. It is experienced by the residents as a collective punishment and a form of intimidation;
- Judicial procedures that are negligent and appear biased, thus weakening the effective reality of fundamental rights. In particular, the use of pre-trial detention, in some cases for long periods of time, to punish people against whom there is not necessarily the required evidence. One should also note the neutralization of the "right of appeal" (*recurso de amparo*<sup>38</sup>) insofar as the police forces do not record arrests quickly and systematically;
- Assaults against volunteer health workers and human rights observers, who are often victims of ill-treatment, threats, insults and sometimes even sexual abuse, *perdigones* or tear gas by the police.;
- Lack of adherence to police response protocols.

These violations were compounded by attacks on journalists and professional media personnel. For example, the College of Journalists recorded 48 cases of journalists assaulted by police, including nine women. Twenty-three of these journalists reported injuries caused by lead bullets or tear gas canisters aimed directly at them (for example, a cameraman from Meganoticias lost an eye while being clearly identified as a member of the press), while two others suffered sexual violence. Similarly, the Observatory of Human Rights and Freedom of Expression reports 160 cases, 96 of which involved people injured by deterrent weapons, and 27 arrests. In addition, these violations also constitute a serious violation of the Chilean people's right to information.

In addition to these data, the report of the Foundation Datos Protegidos (Protected Data) and the Observatory of the Right to Communication of Chile, for the period from October 18 to November 22, 2019, includes 138 cases of attacks, threats and intimidation, as well as other cases of censorship on social media (closing accounts or rendering them inaccessible).

- As the previous data, as well as that collected in the various reports (including that of the INDH), strongly point out, these violations of rights show that they are systematic and generalized human rights violations, following common and recurring patterns. The systematic nature of the repression can be defined in terms of similar repressive practices recurring over time and from one place to another in the country. In addition, the multiplication of a diversity of human rights violations tends to create a climate of permanent antidemocratic impunity, which feeds a trivialization of human rights violations, especially on the part of judges who delay or avoid indictments and judgments, despite the magnitude and gravity of the violations in question.

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<sup>38</sup> A type of legal action similar to *habeas corpus*, allowing Chile to protect certain fundamental human rights from arbitrary practices.

A climate that is not unlike the one that the indigenous peoples of Chile – especially the Mapuche people – have been living in for decades and for which anti-terrorist laws or excessive measures of the State's internal security have been regularly used<sup>39</sup>.

- As highlighted by several feminist organizations during the mission hearings, these systematic human rights violations can also take the form, when women and girls are the direct victims, of institutionalized political-sexual violence (PSV)<sup>40</sup>, by the police (police and investigative agents). As reported in the latest damning figures from the INDH, the police repeatedly used a series of abuses specifically targeting women and girls (or members of sexual minorities): rape and direct sexual assault, stripping and strip searches, repeated sexual touching, sexual humiliation, sexist insults. All of these practices were the subject of recurring complaints in all regions. As reported by the INDH as of March 5, 2020, there are currently 433 legal actions by women and girls in Chile - 347 are adults and 70 minors - for sexual violence by law enforcement agents. Of these women and girls, 57% have been victims of torture (247) and 26% of torture with sexual violence (112 women and girls). Let us recall that torture is recognized as a crime against humanity by the UN<sup>41</sup> and that Chile has prohibited torture in its territory since its ratification of the Convention to Prevent and Punish Torture in 1988.

These serious attacks on the sexual integrity of women, girls and intended individuals are aimed to dissuade them from participating in demonstrations and political life by terrorizing them (see box "Political-sexual violence").

- As the members of the mission were able to observe during their stay while following Chilean events as they unfolded, President Piñera's government and the right-wing parties that support him, far from responding to the social demands often expressed by the population, seemed to favor the sole repressive path: by closing themselves *a priori* to any reform proposed by the opposition in Parliament (for example, the presence of indigenous people and independents for the election of future constituents or the proposal to consider water as a common good); by strengthening the repressive course of the regime by using the *Internal State Security Act* (especially against the youth leadership of ACES<sup>42</sup> who called for a boycott of the national university entrance exam), as we have seen; and

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<sup>39</sup> The Anti-Terrorist Law, inherited from the dictatorship, is a law that allows certain crimes to be characterized as "terrorist" and thus establishes harsher penalties for them. *The Law on Internal Security of the State* is a law that allows certain crimes to be characterized as affecting national security or the external security of the State, thus giving the possibility of increasing the required penalties and – if necessary – using special procedures.

<sup>40</sup> See the famous *flash mob* imagined and organized by the Valparaíso feminist group Las Tesis ([Un violador en tu camino](#)), which has been taken up, as a sign of solidarity, in many countries around the world.

<sup>41</sup> United Nations (2020). *Torture is a crime against humanity that can never be justified and must be fought by the international community*, says the Secretary-General. (June 23). [un.org/press/fr/2000/20000623.sgsm7461.doc.html](https://www.un.org/press/fr/2000/20000623.sgsm7461.doc.html).

<sup>42</sup> It is one of the most active Chilean high school associations which, by calling very clearly for a boycott of the PSU (university selection test), seriously hindered the latter's smooth running on January 6, 7, 26 and 27, 2020.

by passing new anti-pillage, anti-barricade and anti-hooding laws, as well as promoting the legal use of the military for the protection of what are considered critical infrastructures<sup>43</sup>.

- All of these observations highlight the existence of a dysfunctionality in Chilean institutions that claim to be governed by the rule of law, fuelling a systemic impunity that exacerbates the loss of confidence of large sectors of the population, which will have serious consequences for the future. These dysfunctionalities are all the more revealing in that they seem to respond to the existence of a hierarchical system, with a very tight chain of command, highlighting undeniable political responsibility at the highest level<sup>44</sup>. In fact, the terms "crimes against humanity" and "state terrorism" came up repeatedly in the interviews with many of the people the mission met with, including human rights groups.
- When we look at the upcoming deadlines, this series of repressive indications is worrisome. Especially given the social demands and aspirations of the vast majority of the Chilean people and the still uncertain prospect of a future constitutional reform in line with the expectations of the population. This is what struck the members of the mission on several occasions: the sharp contrast between, on the one hand, the clear and obvious repressive institutional will (observed during the mission's stay and documented by previous international missions) and, on the other hand, the tremendous aspirations for change that were constantly expressed during our interviews and that are powerfully reflected not only in the grassroots social and labour organizations, most of whom are reunited in the Social Unity Table, but also by indigenous peoples, by women and students, all of whom are playing, each in their own way, a leading role in the development of current social mobilization. Without forgetting the multiplicity of territorial assemblies or *cabildos abiertos* in which people throughout the country are seeking to make their voices heard<sup>45</sup>.

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<sup>43</sup> It should be noted that, in the context of the serious water crisis and territorial conflicts in Chile, these new laws will have a direct effect on the right of indigenous peoples to demonstrate, since they provide for sentences of between 2 and 18 months in cases of road blockades, land occupations and other forms of traditional direct action in Chile, which are now considered dangerous. CNN Chile (2020). *Senado aprobó la « Ley Antisaqueos »: Lanzamiento de objetos, barricadas y saqueos tendrán penas de cárcel*, [Online] (January 13). [[cnnchile.com/pais/senado-ley-antisaqueos-penas-de-carcel\\_20200113/](http://cnnchile.com/pais/senado-ley-antisaqueos-penas-de-carcel_20200113/)]. Among these new laws, the law for the protection of critical infrastructure, which authorizes the presence of the army for two periods of 30 days (not consecutive), was passed despite the strong opposition of many Chilean senators, who fear authoritarian excesses against demonstrations and protest actions. FERRER, Consuelo (2020). « Las claves del proyecto que permite a las FF.AA. resguardar "infraestructura crítica": Hoy se revisa en el Senado », *Emol*, [Online] (January 20). [[emol.com/noticias/Nacional/2020/01/20/974012/Ley-infraestructura-critica-revision-Senado.html](http://emol.com/noticias/Nacional/2020/01/20/974012/Ley-infraestructura-critica-revision-Senado.html)]. In addition to these new laws penalizing collective action, new repressive equipment has been purchased, including 34 new *guanacos* (armored tanks equipped with water or gas cannons) to reinforce the fleet of 16 currently in operation. GARCÍA, Nicolás (2020). « Chile reforzará la flota de Carabineros con nuevos carros lanzague y lanzagases », *Infodefensa.com*, [Online] (January 23). [[infodefensa.com/latam/2020/01/23/noticia-chile-reforzara-flota-carabineros-nuevos-carros-lanzagua-lanzagases.html](http://infodefensa.com/latam/2020/01/23/noticia-chile-reforzara-flota-carabineros-nuevos-carros-lanzagua-lanzagases.html)].

<sup>44</sup> If the behaviour of the police seems to be clearly the result of orders from the top, it is not certain that the government - somewhat weakened by the crisis - can now control all the actions of the police as it pleases.

<sup>45</sup> The *cabildos* are generally self-convened assemblies of neighbors who come together at the neighborhood level and try to self-organize and coordinate, particularly with a view to actively participating in the development of the new constitution. See Guerrero Lira, Cristián (2019). « Orígenes históricos de los cabildos representativos »,

#### 4c) The emblematic case of Antofagasta

The testimonies we collected during our visit to Antofagasta perfectly illustrate this marked contrast, particularly between, on the one hand, the impressive ongoing militancy of the population and, on the other hand, the brutality and cruelty of a repression that government authorities try to ignore<sup>46</sup>.

In this important mining and industrial city in northern Chile, demonstrations (from three a day to three a week, depending on the period) have not ceased since October 18, 2019. Nor has the repression, which, according to human rights organizations, has gradually focused on working-class neighborhoods in the upper part of the city, such as La Bonilla or Miramar, to the point of sowing fear in migrant camps<sup>47</sup> adjacent to them and sparking openly racist divisions and practices. Fortunately, the networks of mutual aid in the face of repression have led to the emergence of new forms of solidarity and the pooling of services such as collective kitchens.

Despite 30 complaints filed in court, the INDH did not report any figures regarding the injured in Antofagasta in its report dated January 31, 2020. Symptomatically, its officials reported only six official observations, while demonstrations take place nearly every day. At the same time, the mission was able to witness the dedication and effectiveness of a very active network of human rights activists and observers, the majority of whom are women, doing that which the so-called subsidiary state failed to do – rigorously accounting for human rights violations, organizing teams of volunteer rescue workers to assist demonstrators injured by tear gas and *perdigones*, etc.,<sup>48</sup> standing up for and defending migrants, seeking to help and defend arrested and detained demonstrators, and making follow-up visits to various police stations in the city. The Association for Historical Memory of Antofagasta, *Agrupación Providencia*<sup>49</sup>, was thus able to report, using data from the *Defensoría Penal Pública*, 3,400 arrests in the region in connection with demonstrations from October 19, 2019 to January 21, 2020, and 2,050 in the city of Antofagasta alone<sup>50</sup>. It also noted the practice of mass detentions (in a single day, 100 people arrested) or

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in Folchi, Mauricio, éd. *Chile Despertó : Lecturas desde la Historia del estallido social de octubre*, [Online], Santiago, Universidad de Chile, p. 21-26. [[uchile.cl/documentos/chile-desperto-lecturas-desde-la-historia-del-estallido-social-de-octubre\\_160570\\_0\\_5448.pdf](http://uchile.cl/documentos/chile-desperto-lecturas-desde-la-historia-del-estallido-social-de-octubre_160570_0_5448.pdf)].

<sup>46</sup> For example, it was reported to us (using video footage) that the police themselves could, in order to disperse demonstrations, use slingshots and throw sharp stones, pieces of glass and other hurtful objects at demonstrators.

<sup>47</sup> The 2019 report of the Human Rights Center of the Universidad Diego Portales highlighted the "focus of structural discrimination with regard to migrants, especially Afro-descendants" (p. 14).

<sup>48</sup> For example, we were able to meet a young doctor who has just finished his studies and who, following the social explosion of October 18, 2019, has decided not to start working as a doctor right away, so that he can have all the time he needs to form and actively participate in first-aid brigades.

<sup>49</sup> *Agrupación por la Memoria Histórica Providencia Antofagasta (2020). Queja formal al INDH presentada a Osvaldo Aravena, encargado sociedad civil INDH, (7 de enero).*

<sup>50</sup> The INDH report of January 31, 2020 indicates, for its part, that its staff interviewed 1,136 people detained in Antofagasta, making it the second city in Chile in terms of arrests (the first being Santiago, with 3,024 detainees interviewed). It should be noted that, according to the INDH's methodology, these are the people interviewed by INDH staff and not the total or actual number of arrests.

arrests that do not take into account the legitimate rights of the demonstrators. For example, of the twenty people arrested on October 18, 2019, seven complaints have already been filed before the courts for illegitimate abuse and torture at the Police Station #3 in Antofagasta, which was also a torture center under the Pinochet dictatorship.

- When the mission was in Antofagasta, it also met with social human rights organizations from Calama, a city of 160,000 inhabitants near the large Chuquicamata mine on the Andean plateau, where the situation is just as worrisome. There are simply no INDH officials in this city to document human rights violations. Representatives of the Council of Atacama People<sup>51</sup> have also denounced the serious repercussions on human rights in terms of contamination, destruction of land, and water depletion associated with extractive projects, particularly mining projects<sup>52</sup>.
- The absence or scarcity of information collected by the INDH in the Antofagasta region shows the need for this institute to develop protocols to corroborate the information of these grassroots human rights organizations that have formed spontaneously in the face of violent repression.

The case of Antofagasta also illustrates the importance for the INDH to obtain additional resources in terms of the number of observers and the possibility of training the independent human rights groups that work in these cities and would like to assist in the observation of human rights at demonstrations.

#### 4d) Continuity of human rights violations: some recent examples

Exemplary cases are easy to find, and this throughout Chile. Here we would like to highlight some of them based on direct testimonies that we collected during our stay. They show that human rights violations in Chile occur on a daily basis and that, beyond the figures and statistics, they have serious consequences not only for the victims, but also for their families.

- In Valparaíso, in the early hours of the New Year, the young physical education teacher Matías Orellana lost an eye and suffered a cranial fracture after being hit by a tear gas grenade thrown by the police<sup>53</sup>. When he was injured, he lost a lot of blood until someone bandaged his face. The ambulance was unable to reach the scene because of tear gas and the police, so he had to go to the hospital on his own and then spend many hours in the waiting room before he was finally taken care of. The case of Matías Orellana is emblematic of police violence deliberately aimed at causing injuries, in this case to his eyes. This 26-year-old man filed a

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<sup>51</sup> It is an association of indigenous peoples created in 1994 and that represents 18 communities in the Atacama region.

<sup>52</sup> They especially referred to the case of lithium mining in the Atacama Salt Lake region, which affects their ancestral territory. They demand respect for their rights as stipulated in the Convention No. 169 on Indigenous and Tribal Peoples of the International Labor Organization (ILO).

<sup>53</sup> For more information see : González, Boris (2020). «Matías Orellana, mutilado el 1 de enero: “El gobierno tiene miedo de que las cosas puedan cambiar” », *eldesconcierto.cl*, [Online] (January 24). [\[eldesconcierto.cl/2020/01/24/matias-orellana-mutilado-el-1-de-enero-el-gobierno-tiene-miedo-de-que-las-cosas-puedan-cambiar/\]](https://eldesconcierto.cl/2020/01/24/matias-orellana-mutilado-el-1-de-enero-el-gobierno-tiene-miedo-de-que-las-cosas-puedan-cambiar/).

complaint against the police and testified before the United Nations on February 26, 2020, in Geneva.

- On January 11, 2020, Nicolás Ríos Verdugo (20 years old) was arrested in downtown Santiago, supposedly by plainclothes policemen. According to the testimony of his family, the young man was beaten and threatened with torture and rape. His arrest was filmed by a passer-by. His family believes that, had it not been for this, he would now be a disappeared detainee. When we heard her testimony, Nicolás' mother was shaken and held back her tears, so much so that she had to ask her other son to speak for her. Nicolás Ríos Verdugo was remanded in custody for 60 days. On February 25, 2020, after 45 days in prison, Judge Daniel Urrutia declared that his detention had been irregular and ordered his release on bail with a sentence of house arrest. However, on March 2, the Court of Appeals of Santiago reversed this decision under the pretext that Nicolás Ríos Verdugo represented a "danger to the security of society"<sup>54</sup>. He therefore returned to prison.
- On January 20, 2020, Matías Yáñez (16 years old) was arrested near a demonstration in Valparaíso while waiting for his mother. According to his testimony, he was detained in a police vehicle, where four policemen violently beat him, breaking his jaw, and threatened to throw him into the sea to drown. Although Matías Yáñez is a minor, for several hours the police failed to inform his mother of his arrest. When he told us what he had experienced, Matías trembled and had difficulty speaking. His voice was very low and he had to take several pauses. His mother, sitting next to him, held his hand, stroked his shoulder and gently encouraged him to continue talking.

As the above cases suggest, the trauma of repression is shared by those close to the victim. For every person who is imprisoned, beaten, abused, raped, tortured, how many others are affected? This is where the intimidation and fear generated by repression comes into play.

### **Historic March 8 overshadowed by violence against women**

After leaving Chile, the delegation maintained ties with several organizations, including the Coordinadora 8 de Marzo de Valparaíso. This organization sent us the testimonies of three women victims of police violence on International Women's Day, March 8, when two million people were demonstrating in different regions of Chile, the largest March 8<sup>th</sup> demonstrations in Chilean

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<sup>54</sup> To read a testimonial from Nicolás Ríos Verdugo : Barraza Díaz, Josefa (2020). « Habla en exclusiva Nicolás Ríos: Las irregularidades en el caso del joven detenido en el cerro Santa Lucía », *eldesconcierto.cl*, [Online] (March 1). [[eldesconcierto.cl/2020/03/01/habla-en-exclusiva-nicolas-rios-las-irregularidades-en-el-caso-del-joven-detenido-en-el-cerro-santa-lucia/](https://eldesconcierto.cl/2020/03/01/habla-en-exclusiva-nicolas-rios-las-irregularidades-en-el-caso-del-joven-detenido-en-el-cerro-santa-lucia/)]. To read about the Court of Appeal decision of March 2, 2020: Villarroel, María José (2020). « Corte de Santiago ordena que joven detenido por carabineros de civil vuelva a prisión preventiva », *biobiochile.cl*, [Online] (March 2). [[biobiochile.cl/noticias/nacional/region-metropolitana/2020/03/02/corte-de-santiago-ordena-que-joven-detenido-por-carabineros-de-civil-vuelva-a-prision-preventiva.shtml](https://biobiochile.cl/noticias/nacional/region-metropolitana/2020/03/02/corte-de-santiago-ordena-que-joven-detenido-por-carabineros-de-civil-vuelva-a-prision-preventiva.shtml)].

history<sup>55</sup>. These testimonies illustrate the extent to which women are systematically victims of unacceptable violence.

- On March 8, 2020, Sandra Zumaeta and Pilar Muñoz were participating in the demonstration on Pedro-Montt Street in Valparaíso, when they found themselves in front of a police squad blocking the passage with *guanacos* (water-launchers) and *zorillos* (gas-launchers). The police then sprayed them with water jets. Then they rushed at them and beat them with sticks. One of their companions suffered a concussion and another had broken ribs. Sandra and Pilar received blows to their thighs that caused them bruises. Then the police threw gas which caused first-degree burns to several women.
- Marcela Faúndez is a professor. On March 8, 2020, she was at Victoria Square in Valparaíso, where there was a large peaceful gathering. When the women wanted to start their march, the police aimed strong jets of water at them. That's when she saw a police truck coming towards her. She and some other women took refuge behind a bus where a contingent of police officers was waiting for them and beat them brutally. Marcela was able to return home with great difficulty. Her leg was covered with bruises and she was in great pain. She then went to a community health center to testify.

### ***First Testimony***

My name is Sandra Zumaeta. I am spokesperson for Coordinadora 8 de Marzo de Valparaíso. On March 8, 2020, after walking a few blocks, we met policemen, who blocked our way with *zorillos* (gas-launchers) and *guanacos* (water-launchers). We were only women, we brought three banners. The *guanacos* then began to throw water at us, and when the jets stopped, the police charged on us and beat us with sticks (*lumas*). The spokesperson for Viña del Mar was beaten so badly that she suffered a concussion after being hit directly on the head. Another companion had her ribs broken by the police. Me, they beat me by hitting my thighs. After that, the police started throwing gas at us, which caused first-degree burns to several companions. Finally, several of us were arrested by the police and thrown in jail. This is the repression we suffered on the evening of March 8.

I authorize the diffusion of my personal testimony.

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<sup>55</sup> Ancelovici, Marcos (2020). « Les femmes au cœur du soulèvement populaire chilien », *La Conversation*, [Online] (March 8). [[theconversation.com/les-femmes-au-coeur-du-soulevement-populaire-chilien-132829](https://theconversation.com/les-femmes-au-coeur-du-soulevement-populaire-chilien-132829)]. Comité école et société (2020). « La révolution sera féministe ou ne sera pas : retour de la Délégation québécoise de solidarité et de surveillance des droits humains au Chili », *Fédération nationale des enseignantes et des enseignants du Québec* [Online] (March 11). [[fneeq.qc.ca/fr/publications/chronique-87-crise-generalisee-au-chili/](https://fneeq.qc.ca/fr/publications/chronique-87-crise-generalisee-au-chili/)]. El Mostrador Braga (2020). *Movimiento feminista sigue haciendo historia: dos millones de mujeres marcharon en Santiago y regiones en el 8M*, [Online] (March 8). [[elmostrador.cl/destacado/2020/03/08/movimiento-feminista-sigue-haciendo-historia-dos-millones-de-mujeres-marcharon-en-santiago-y-regiones-en-el-8m/](https://elmostrador.cl/destacado/2020/03/08/movimiento-feminista-sigue-haciendo-historia-dos-millones-de-mujeres-marcharon-en-santiago-y-regiones-en-el-8m/)].

### ***Second Testimony***

I am Pilar Muñoz. On March 8, 2020, I participated in a gathering with companions of the Coordinadora feminista 8 de marzo de Viña del Mar to commemorate International Women's Day. We advanced about two blocks and arrived in front of the Chilean police who were waiting for us with all their weapons, as well as police squads (*piquetes*) on both sides of the street. All of a sudden, the police squads on the street corners charged at us and began to attack us with extreme violence, using sticks (*lumas*). I received heavy blows on my thighs and, seeing that they were attacking us directly, I started to run. Other companions received multiple blows on different parts of their bodies. In addition, they were gassed. One of them was hit with a stick (*lumazo*) on the head which caused her concussion. Another companion received blows causing her serious injuries: the police broke three of her ribs by beating her with a stick. She was also taken to the hospital. Another companion was hit with a stick (*lumazo*) on the shoulder, causing a serious injury. This is what the violence of the Chilean police was like on March 8, 2020, when International Women's Day was commemorated.

I belong to the Coordinadora feminista 8 de marzo de Valparaíso and I authorize the dissemination of my testimony.

### ***Third Testimony***

My name is Marcela Faúndez and I am a professor. In front of the entire international community, I would like to denounce and condemn a violent action carried out against the women who were demonstrating in Viña del Mar and Valparaíso, in the context of the general strike of March 8. These were very moving and peaceful demonstrations, a great gathering of women from all walks of life. We wanted to move forward, but it was not possible. The police threw strong jets of water at us and soaked us completely. That was the first stage of violence. The second stage of violence was when a police truck charged at us. We had no choice but to take cover behind a bus, where a whole contingent of police officers was waiting for us. That was their intentional strategy. We heard the sound of their boots as they ran towards us, and that's when we fell under the terrible blows of sticks (*lumazos*). A companion, Brenda Maldonado, a social leader, was thrown to the ground by the police and brutally kicked in her stomach, an unspeakable action on the part of our country's police force. Another companion was hit on the head, and several others were beaten and kicked. I recount these events to denounce cruel violence against women and human rights. I returned home with great difficulty. As my leg was covered with bruises and was causing me considerable pain, I went to a community health center to testify. This is the first time something like this has happened to me. I had experienced situations of violence during the dictatorship, but never one so close. When I was a student during the dictatorship, I ran to protect myself from repression, but never like that. Now, we are facing a militarized strategy to attack defenseless women. We had nothing to defend ourselves with, only our ideals and the flag of our struggle for women's rights. All we want is for the Chilean State to be held responsible for all this violence, this wave of aggression during the social uprising. Let's hope that all this changes one day and that our country returns to a true democracy, because we are almost in a dictatorship with Mr. Piñera and all his cruelty.

As we can see, these testimonies of violence against women also underline the presence of two repressive strategies that were widespread after January 2020: the presence of chemicals in the water launched at demonstrators, causing first-degree burns, and the use of military trucks (*micros*) that run into crowds, injuring and killing demonstrators, following the example of terrorist attacks with ram vehicles in Europe.

### **Political-Sexual Violence: Terrorizing and Deterring Women and Sexual Minorities**

This targeted violence against women on March 8, 2020 is an expression of political-sexual violence (PSV) by law enforcement officials against women, girls and sexual minorities, which exploded in the context of the protests<sup>56</sup>. Several specialized organizations presented our mission with an analysis of PSV based on confidential interviews with victims and complainants<sup>57</sup>. This material was also presented to the INDH, whose data published on March 5, 2020 reported 112 complaints of sexual violence and sexual torture against women and girls that have occurred since October 18, 2019. The Association of Feminist Lawyers (ABOFEM) and the INDH also presented these testimonies before an unprecedented private hearing of the Chilean Congress, seized by the seriousness of the situation in the context of the protests. We are reproducing in the box below, with the permission of the organizations that testified before our mission and the victims, excerpts from these anonymous testimonies, which form part of the official material of the INDH.

#### *Four testimonies of political-sexual violence*

The following excerpts report a complete violation of police protocol, which prohibits stripping detainees, subjecting them to humiliating positions and invasive touching, let alone rape.

**First testimony:** “They took us to the prison. When we got there, they took off all our clothes and wet us [...]. ...] The police held women, minors and men there, all of them completely naked.”

**Second testimony:** “They forced us to undress and take a squatting position, in order to check our genitals to see if we were carrying anything.”

**Third testimony:** “The pacos (policemen) threw me out of a van after raping me for two hours.”

**Fourth testimony:** “Two carabinieri (police officers) got together to pull down my pants, then they pulled down my underwear and sexually assaulted me.”

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<sup>56</sup> According to the INDH, this organization, in its nine years of existence, has filed 33 legal actions against the police for sexual torture. Seventeen of these appeals were filed in the period from October 17 to November 5, 2019 alone, an increase of double the number of cases in 19 days. Palma, Francisca (2019). « Violencia política sexual: el cuerpo como botín de guerra y lugar de dominación », *Universidas de Chile*, [Online] (November 8). [[uchile.cl/noticias/159062/violencia-politica-sexual-el-cuerpo-como-botin-de-guerra](http://uchile.cl/noticias/159062/violencia-politica-sexual-el-cuerpo-como-botin-de-guerra)].

<sup>57</sup> The organizations that have reported cases of political-sexual violence and sent us excerpts of testimonies from women who have filed complaints are: la Comisión de Observadores de Casa Memoria José Domingo Cañas, ABOFEM (Santiago, Valparaíso, Antofagasta, Calama), Corporación La Morada, Colectivo de Abogados y Abogadas de Antofagasta, as well as the various instances of the Coordinadora Feminista 8M (Santiago, Valparaíso et Viña del Mar).

Like rape as a weapon of war, these acts are considered by many specialists to be clear examples of state terrorism in Chile. Thus, as Dr. Svenska Arensburg of the Observatory of Gender Equality at the University of Chile reports, political-sexual violence "has always been used by the colonizers, in times of war, dictatorship and armed conflict, and we are horrified to see that it is also being used these days by the repressive forces of the State. This is why, the specialist says, "we are talking about state terrorism." It is a "method used to terrorize not only the person who suffers from this violence, but also the entire population, especially women."<sup>58</sup>

#### **4e) Forgotten economic, social, cultural, and environmental rights**

The fact remains that this portrait of repression is only the tip of the iceberg. Indeed, as indicated above, it is important to see human rights in an integral, indivisible, and interdependent manner. Thus, in the long term, the violation of rights such as labor and unionization rights, the rights of women and indigenous peoples, and those related to the protection of the environment, leads to the establishment of a situation where the violation of rights becomes normalized and institutionalized. This is what is happening in Chile, where commoditized education, privatized health care, capitalized pension plans, and auctioned water have all but eliminated the idea that these services should not primarily be market goods to be bought, but inalienable rights that everyone should be able to enjoy in their own right.

- **Labour rights**

In this regard, the rights of Chilean workers are problematic in many ways. The precarious conditions of work are manifested on several levels. For example, 52% of the working population only works part-time, less than 39% of jobs are protected (with contracts, benefits, pension contributions, health, etc.), and only 21% of employees have an employment contract<sup>59</sup>. The minimum wage is at an extremely low level (the equivalent of about 500 Canadian dollars per month, while the cost of living in Chile is comparable to that in Canada). There are also very low rates of unionization in Chile, and Chilean trade union organizations are weakened, having suffered greatly from the union reorganization<sup>60</sup> imposed by the Pinochet dictatorship. Currently, the official unionization rate does not exceed 12%<sup>61</sup>. In Chile, there are great differences in status and, consequently, in working conditions between permanent employees (for example, those of

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<sup>58</sup> Reported in: Palma, Francisca (2019). *Violencia política sexual: el cuerpo como botín de guerra y lugar de dominación*, Universidad de Chile, [Online] (November 8). [[uchile.cl/noticias/159062/violencia-politica-sexual-el-cuerpo-como-botin-de-guerra](http://uchile.cl/noticias/159062/violencia-politica-sexual-el-cuerpo-como-botin-de-guerra)].

<sup>59</sup> Durán, Gonzalo, Kremerman S., Marco (2019). *Los verdaderos sueldos de Chile. Panorama actual del valor de la fuerza del trabajo usando la ESI 2018*, Fundación Sol.

<sup>60</sup> Among other things, it limited the right of union organization, recognizing only the existence of unions linked to the company itself, and promoted the principle of voluntary affiliation such as union pluralism, thus encouraging in each company the competition of small company unions, without real bargaining power.

<sup>61</sup> Most strikes are considered illegal. The labor law of Augusto Pinochet only allowed strikes in the context of negotiations within a company, prohibiting them, for example, for more general social issues. During the dictatorship (1973-1990), hundreds of trade union leaders were persecuted, tortured, exiled, or murdered. Even today, the rate of unionization in Chile is one of the lowest in Latin America.

Codelco, a state-owned company operating copper mines) and those in precarious employment, or subcontracted workers, who are always at the mercy of employers' management rights. In this difficult context, one must highlight the role of trade union organizations such as the Colegio de Profesores (Teachers' College), ANEF (Agrupación Nacional de Empleados Fiscales), the Central Autónoma de Trabajadores CAT (Autonomous Workers' Central), the Unión Nacional de Trabajadores UNT (National Workers' Union) and, of course, the Central Unitaria de Trabajadores CUT (Unitary Workers' Central CUT), whose 12th Congress was held during our stay and whose opening was attended by the trade union representatives of our mission<sup>62</sup>.

- **Environmental rights**

In a sense, the same applies to the rights associated with ecological and territorial issues, which have become critical<sup>63</sup> as a result of the combined effects of climate change (hitting Chile hard) and the accelerated expansion of the forestry industry, export agribusiness, and mining megaprojects. Consuming huge amounts of water, the latter two make the country particularly vulnerable in terms of water resource availability. In a context of growing drought, which affects 76% of the country's surface area, Chile is facing the worst water crisis in its history. The fact that water was privatized under the dictatorship – both in terms of drinking water management and available water sources – has not only led to processes of water commodification (sale, rental, speculation, auctioning, etc.), but has also been the source of growing socio-environmental conflicts<sup>64</sup>.

These conflicts are between village or indigenous communities and extractivist or agro-export companies and concern the sharing of available water, its use, and its monopolization and contamination. Five regions of Chile have been declared in a state of "agricultural emergency" and 40% of the country's 345 municipalities have been declared to be in a state of "water scarcity"<sup>65</sup>,

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<sup>62</sup> Having actively participated in the general strikes of October 25 and November 12, 2019, the CUT sees its roadmap for the coming months strongly marked by the fight against impunity and violence, as well as by constitutional reform and the valorization of work in all its forms. For the summary of the CUT Congress, see: CUT Chile (2020). *Page Facebook de la CUT Chile*, [Online]. [\[facebook.com/cut.chile/videos/2672971799422954/\]](https://facebook.com/cut.chile/videos/2672971799422954/).

<sup>63</sup> The 2018 report of the INDH highlights the lack of protection of the rights of the population in relation to industrial deployment, especially the industrial concentration in certain regions, such as the sacrifice zones, namely the municipalities of Quintero and Puchuncavi, whose population is facing a dramatic situation of contamination and intoxication.

<sup>64</sup> Chile is affected by more than 110 conflicts arising from the current ecological, territorial and water crisis, asserts the INDH in its 2018 report. Between 2012 and 2017, there have also been 1,113 cases of social-ecological protest, often with repression as the only response. See data from the Conflict Observatory of the Centro de Estudios de Conflicto y Cohesión Social. [\*Informe Anual Observatorio de Conflictos 2018\*](#).

<sup>65</sup> Dirección General de Aguas (2020). *Planilla Decretos zonas de escasez hídrica (2008-2020)*, Ministerio de Obras Públicas, Gobierno de Chile.

affecting 66% of the population. More than 400,000 people in 172 municipalities are supplied with water by tanker trucks to meet their daily needs<sup>66</sup>.

## 5. Canada's share of responsibility

Perhaps this is where one can best see how what is going on in Chile is also connected with what is happening in Canada and Quebec. Beyond the presence, in our country too, of a neoliberal regulatory system that has had many perverse effects since the mid-1990s, one cannot help but be struck by the decisive role played in Chile by Canadian extractivist companies or by important Canadian investment funds. The figures are impressive: **70% of all foreign mining investment in Chile from 1990 to the present day has been of Canadian origin**<sup>67</sup>. Not to mention the investments made in some of the country's health and electrical infrastructure and the role of the Ontario Teachers' Pension Plan<sup>68</sup> financing mining activities as well as transnational or state-owned companies<sup>69</sup>.

No less than **40 Canadian mining companies**, including Barrick Gold Corporation, Teck Cominco Limited and Los Andes Copper Ltd. **are promoting more than 100 mining development projects in Chile (copper, gold, lithium, etc.)**<sup>70</sup>. They extend their activities from the center of the country to the north, precisely where "water stress" is most extreme. In Antofagasta, 80% of the population (about 400,000 people) is supplied with desalinated water, while the mining companies use massive amounts of fresh water for their extractive activities. In one year, the copper mines alone consume as much water as the city of Toronto in a year and a half<sup>71</sup>.

There is therefore **an undeniable social and political responsibility on the part of Canadian companies**, both with respect to the current "water crisis" in Chile and with respect to the often irreparable damage caused to the environment or the living environment of local communities, without regard to the traditions and culture of indigenous peoples, sometimes transforming entire regions into what in Chile are called "sacrifice zones". This responsibility is also reflected in

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<sup>66</sup> See the report : Observatorio Latinoamericano de Conflictos Ambientales (2020). *Derechos Humanos, Extractivismo Canadiense y Agua*, [Online] (January), [olca.cl/oca/informes/Olca-2020\\_Informe-DDHH-Extractivismo-Canadiense-y-Agua.pdf](http://olca.cl/oca/informes/Olca-2020_Informe-DDHH-Extractivismo-Canadiense-y-Agua.pdf).

<sup>67</sup> Also see *Miningwatch* on Canada's silence in the face of the crisis: « Comprendre le silence du Canada face aux protestations chiliennes » (2020). Dans *MiningWatch Canada*, [Blogue] (January 13). [miningwatch.ca/fr/blog/2020/1/13/comprendre-le-silence-du-canada-face-aux-protestations-chiliennes](http://miningwatch.ca/fr/blog/2020/1/13/comprendre-le-silence-du-canada-face-aux-protestations-chiliennes).

<sup>68</sup> See the report of TVA : TVA Nouvelles (2007). *La caisse de retraite Teachers investit au Chili*, [Online] (May 16). [tvanouvelles.ca/2007/05/16/la-caisse-de-retraite-teachers-investit-au-chili](http://tvanouvelles.ca/2007/05/16/la-caisse-de-retraite-teachers-investit-au-chili).

<sup>69</sup> It should be noted that Ontario teachers have no control over the governance of their fund, a right they have long been demanding. This fund prides itself on being managed like a private company: Ontario Teachers' Pension Plan [s. d.]. *Plan Governance*, [Online]. <https://www.otpp.com/corporate/plan-governance>.

<sup>70</sup> Latin American Observatory of Environmental Conflicts (2020). *Derechos humanos, extractivismo canadiense y agua. Informe entregado a la Misión Canadiense de Observación y Solidaridad con Chile sobre la Situación de los Derechos Humanos en el Contexto de Transición Sociopolítica*.

<sup>71</sup> Ibid.

investments promoted by the pension plans of Ontario elementary school teachers in water distribution infrastructure owned by a Canadian company that sells to 37% of Chile's population the most expensive drinking water in Latin America<sup>72</sup>; or one notes the distribution of electricity controlled by a Canadian company, SEASA, which was linked – following violent conflicts with indigenous communities who refused to allow its power lines to pass through their lands – to a proven case of femicide: that of the Mapuche leader and activist Macarena Valdés Muñoz, whose assassination in 2017 was initially made to look like a suicide<sup>73</sup>.

It must be said, however, that this responsibility is not only the responsibility of Canadian companies. It is also the responsibility of the Canadian government itself, which has so far failed to denounce – as it should for a country that presents itself as an ardent defender of human rights – the systematic violations that we have seen during our visit to Chile.

Furthermore, after the social explosion that began on October 18, the Canadian government, through the government financial agency EDC (Export Development Canada), approved multi million dollar loans to companies (including Codelco, Teck, BHP) based in Chile, while it had been strangely much more proactive in the case of Venezuela, imposing economic sanctions and condemning human rights violations. There seems to be a double standard here<sup>74</sup>.

Of course, Canada has chosen to sign free trade agreements with Chile, all of which contribute in one way or another to the development of neoliberalism and its demand for privatization, deregulation, and trade liberalization. It is time to understand and denounce the way in which this mode of economic regulation can lead to veritable dramas, such as those we observed during our stay in Chile<sup>75</sup>. Neoliberalism does not just accommodate authoritarianism. It can also contribute to it. When the defense of this model, as well as serious breaches of the rule of law, such as those observed by our mission, involve massive human rights violations, do we have the right to remain silent? Why does Canada, like the European Union, not immediately call on the Chilean government to stop the violence against the civilian population? The Chilean community in

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<sup>72</sup> Ibid.

<sup>73</sup> See regarding this : Boddenberg, Sophia (2019). « Activists demand answers after alleged suicide of Macarena Valdés », *Deutsche Welles*, [Online] (February 9). [[dw.com/en/activists-demand-answers-after-alleged-suicide-of-macarena-vald%C3%A9s/a-47322678](https://www.dw.com/en/activists-demand-answers-after-alleged-suicide-of-macarena-vald%C3%A9s/a-47322678)].

<sup>74</sup> See, regarding this, the declarations of OLCA : Observatorio Latinoamericano de Conflictos Ambientales [s. d.]. *Accueil OLCA*, [Online]. [[olca.cl/oca/index.htm](http://olca.cl/oca/index.htm)].

<sup>75</sup> On corporate social responsibility abroad, the Liberal government of Justin Trudeau has reneged on a promise it made in 2018 to Canadian activist groups and unions in the mining and textile sectors: to create an independent tribunal and select a human rights ombudsman (Canadian Ombudsman for Corporate Accountability [CAO]) to investigate human rights violations committed by Canadian mining and textile companies in the course of their operations abroad, to better respond to the many complaints from countries in this regard. The appointment in April 2019 of a Special Advisor to the Minister of International Trade, without giving the Minister sufficient investigative powers (power to compel the provision of documents and subpoena witnesses), has clearly not lived up to the terms of the government's promise. This led to the resignation of civil society and trade union representatives from the panel of experts established by the federal government to respond to these requests.

Quebec and Canada has organized multiple petitions and actions in this direction since October 2019, but to no avail<sup>76</sup>.

## 6. Conclusion: the possibilities and uncertainties of the constituent moment

In concluding let us turn to what lies ahead. All the information that the members of the mission have been able to gather tends to confirm an impression that has gradually crystallized in their minds: that of the systematic and massive institutional repression coming in large part (but not only) from the police – a situation where an occupying army is holding under its yoke a defenseless people at once exasperated and thirsty for social change. Like so many other countries in the world, Chile is presently plunged into a major crisis of political representation. However, at the time of writing, there is still no clear oppositional political alternative in which the majority of the Chilean population could forcefully and decisively engage, the oppositional political and social forces – fairly fragmented and divided – not having yet managed to get rid of their mistrust of each other and to unite in a common crisis-resolving project.

While many pro-government political forces are already calling for a "no" vote on a new constitution in the plebiscite that was originally scheduled for April 26, 2020, some of the representatives of social organizations and political parties that our mission met remain divided over the plebiscite and the possibilities it represents. Some insist on the important and unfortunate concessions that the political representatives of the opposition had to make in this regard, far from the social and popular aspirations that have been expressed so clearly since October 18, 2019. Others see the plebiscite as an opportunity – as was the case in 1988 during Chile's return to democracy – to build a large electoral majority around a "yes" vote<sup>77</sup> to a new constitution, thus forcing the way for constitutional changes representing, in any case, significant advances. It was around this issue that the Frente Amplio, the majority of which was in favour of the agreement of November 15, 2019, was bitterly divided.

For its part, the government is pursuing a course that has so far allowed it to stay in power, claiming, on the one hand, openness and dialogue, while at the same clinging, on the other hand – and this without any concessions and with repression as a bonus – to everything that constitutes the Chilean neoliberal model: privatized water, maintaining key elements of Chile's pension administration system [AFP], education and health largely commoditized and privatized, growing inequality, etc.<sup>78</sup>.

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<sup>76</sup> See, in particular: Presse-toi à gauche (2019). *Rassemblement de la communauté chilienne*, [Online] (October 23). [[pressegauche.org/Rassemblement-de-la-communaute-chilienne](http://pressegauche.org/Rassemblement-de-la-communaute-chilienne)].

<sup>77</sup> At the time, it was a question of uniting - and successfully - a vast electoral majority around a "no" to Pinochet's retention at the head of the Chilean state.

<sup>78</sup> The "new social agenda" presented by the government on October 22, 2019 included, among other things, an increase in basic public pensions, reform of the public health system, an increase in the minimum monthly wage, cancellation of electricity rate increases, the creation of a new tax bracket for the highest salaries and a reduction in the salaries of parliamentarians and senior civil servants. While this may, a priori, seem important, it should be remembered that, apart from the fact that the content and modalities of these measures have yet to be voted on (and may in fact be modified), they appear to be completely out of step with the depth of inequality

In this sense, the next few months will be decisive, especially if we bear in mind the clearly repressive character of the Piñera government and, in particular, its deeply anti-democratic anti-demonstration laws, which were passed in the midst of the crisis in January 2020. They will be decisive on the one hand because March is the month when students return to class and because the March 8 demonstrations held by women were of great scope and corresponded to the strong resumption of social protest throughout the country. And, on the other hand, because the month of October will be the month of the plebiscite, of Chile's constituent moment, and thus represents a possible process of constitutional transformation that many dream of, yet without fully believing that it may open new spaces to the tremendous aspirations for social justice that haunt the Chilean people.

In this context, we understand the importance of maintaining our solidarity! After all, if neoliberalism was first implemented in the world in 1973 in Chile, and this very systematically, why can't it be in this country – as so many slogans remind us – that it is beginning to be radically called into question?

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and the needs of the majority of the Chilean population. The same is true of the plans to reform public health care or the funded pension system, which do not in any way call into question the neoliberal economic model inherited from the dictatorship. In this sense, the Canadian government has a special responsibility and cannot be content to be practically the conveyor belt for the Chilean government's official discourse and say - as it did on February 3, 2020 through the statements of the spokesperson at the Canadian Department of Foreign Affairs, Marianne Goodwin - that the Chilean government is taking "important steps to address the concerns of its citizens". Ouellette Vézina, Henri (2020). « Crise au Chili : Ottawa doit agir rapidement, tranche un collectif québécois », *Journal Métro*, [Online] (February 4). [[journalmetro.com/actualites/national/2416953/crise-au-chili-ottawa-doit-agir-rapidement-tranche-un-collectif-quebecois/](https://journalmetro.com/actualites/national/2416953/crise-au-chili-ottawa-doit-agir-rapidement-tranche-un-collectif-quebecois/)].

## 7. Our recommendations

A) With regard to the governments of Quebec and Canada, their different political responsibilities and given the dramatic and urgent situation experienced by the Chilean people, we recommend:

- 1) That, in accordance with the principles that govern the defense of human rights and the rule of law in Canada and Quebec, the governments of Canada and Quebec publicly denounce the systematic, widespread, and ongoing human rights violations that have occurred in Chile under the government of President Piñera since October 18, 2019;
- 2) That in light of the reports made public by the five international missions that have visited Chile in recent months, the governments of Canada and Quebec commit to pressuring the Chilean government to quickly implement their important recommendations, particularly those calling for the decriminalization of demonstrations and an in-depth reform of the police;
- 3) That Canada and Quebec support the Office of the United Nations High Commissioner for Human Rights and the Inter-American Commission on Human Rights in their efforts to ensure that the Chilean government respects its international commitments and the provisions of the international conventions signed by Chile, particularly the Convention against Torture, recognized as a crime against humanity;
- 4) That, knowing that Canada is home to the headquarters of many companies doing business in Chile (including more than 40 mining companies operating 100 projects), the Government of Canada remind these companies, their subsidiaries or their subcontractors, of their obligations to respect human rights (as well as of the concern regarding the often indiscriminate use of water or indigenous lands) and establish an independent ombudsman with powers to investigate human rights violations for which some of these transnational corporations and their subcontractors have been, or still are, responsible. And that the Government of Quebec press the federal government to support such measures that have been promised for many years: an independent ombudsman's office with real investigative powers and all the necessary enforcement powers;
- 5) That the governments of Canada and Quebec pay close attention to the situation of political-sexual violence experienced by women and girls and the LGBTQ community and that they call on the government of Chile to put in place measures to ensure their safety, their right to demonstrate, and the full respect of all their individual and civil rights, as well as to help support victims of sexual violence from an inclusive perspective;
- 6) That, in the difficult social and political context that the Chilean people are experiencing, the governments of Canada and Quebec commit to promote solidarity initiatives by civil society and to organize official observation missions during the plebiscite, postponed to

October 2020 due to the COVID-19 crisis, to ensure that all the necessary democratic guarantees are offered to the citizens of Chile;

- 7) That, in the context of systematic state violence, our governments facilitate the reception of refugees from Chile as has been the case in the past, and this, despite the current health crisis.

**B) With respect to the Chilean government, we ask that the following recommendations from human rights organizations in Chile, which were transmitted to us during our visit and which we make our own, be implemented, as well as some recommendations made by the international and national observation missions that preceded us. Accordingly, we recommend the following:**

- 8) That Chile comply with its commitments under the international conventions it has signed, including the Convention against Torture; that it ratify all the conventions, covenants, protocols, and recommendations of the various international instruments for the protection of human, cultural, social, and environmental rights, as well as the core labor standards listed in the appendix;
- 9) That there be an end to excessive use of force in arrests, arbitrary detention, violence and sexual abuse (stripping, squatting, touching, rape, etc.), unregistered detentions, and beatings of detainees, both adults and minors, in public places, vans, and police stations;
- 10) That the use of firearms, buckshot (*perdigones*) and any other type of weapon designed to produce direct damage to the bodies of the targeted persons be suspended. And that the use of tear gas be carried out according to international standards (firing at a steep angle and not horizontally), and the use of toxic chemicals in the water tanks of the police be prohibited;
- 11) That a real reform of the police be undertaken, consisting of democratizing its structure, supervising its functions, revising its protocols, and better training its personnel, with the primary objective that it be able to fulfill its obligations in terms of the protection of human rights. And that, in general, the security policies of the Chilean State be defined in accordance with international human rights standards;
- 12) That journalists, human rights personnel of independent organizations, doctors and nurses, lawyers and any other person assisting protesters and the injured be afforded adequate protection in order to carry out their duties;
- 13) That fundamental and civil rights be guaranteed effectively and without exception, i.e. the right to information, the right of association, and the right to demonstrate;
- 14) That equitable access to justice (and effective and adequate legal assistance from the earliest moments of detention) be guaranteed, in order to prevent impunity, but also

to prevent cases of torture, sexual violence and ill-treatment, as well as to prevent the abuse of pre-trial detention for long periods of time for the sole purpose of punishment and intimidation and to avoid the neutralization of the right to appeal (*recurso de amparo*);

- 15) That an independent monitoring body be established to assume responsibility for overseeing and evaluating the implementation of the recommendations in the reports of the missions that have visited Chile since October 18, 2019;
- 16) That a Truth, Justice and Reparations Commission be established to address the abuses and violations of rights since October 18, 2019;
- 17) That the INDH be able to develop ad hoc protocols that allow it to corroborate information from civil society human rights groups that have formed to confront the violence of repression;
- 18) That assistance and reparation programs be established for victims of human rights violations, especially in cases of torture, sexual violence, and eye damage caused by agents of the State;
- 19) That the independence of the forensic services be strengthened and that the INDH and the Child Protection Department be given more resources;
- 20) That the misuse of the Anti-Terrorism Act or the *Homeland Security Act* be stopped;
- 21) That, in the context of the pandemic, all political prisoners arrested since October 18, 2019, be released and, if necessary, be placed under house arrest if investigations continue, as requested by Chilean human rights organizations and Amnesty International.

**C) Finally, echoing the demands of the Chilean people, we ask:**

- 22) That a broad, open and inclusive social dialogue be undertaken on substantive reforms in the areas of health, education, housing, pension systems, labor law, rights of association and unionization, indigenous and women's rights, migrants, the environment and water, so as to ensure fundamental rights in order to reduce social inequalities, from a comprehensive perspective of equality, non-discrimination, and social and ecological justice. This is all the more urgent as the coronavirus pandemic further highlights the extent of social inequalities;
- 23) That civil society, victims and their families occupy a central role in the State's response to social tensions, as the Office of the United Nations High Commissioner for Human Rights emphasized on March 12, 2020.

Although concerns are currently focused on health issues, the Chilean State must not neglect and set aside its responsibilities regarding the critical human rights situation in Chile, which must necessarily be addressed through an integral and holistic approach to rights.

## **Appendix 1 Human rights conventions, covenants and protocols signed and/or ratified by Chile**

- International Labour Organization Convention No. 87 on Freedom of Association and Protection of the Right to Organize (ratified on February 1, 1999)
- International Labour Organization Convention No. 98 on the Right to Organize and Collective Bargaining (ratified February 1, 1999)
- Convention No. 100 of the International Labour Organization on Equal Remuneration (ratified on September 20, 1971)
- International Labour Organization Maternity Protection Convention No. 103 (ratified on October 14, 1994)
- Convention No. 144 of the International Labour Organization on Tripartite Consultations on International Labour Standards (ratified on July 29, 1992)
- International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples (ratified on September 15, 2008)
- American Convention on Human Rights (ratified August 10, 1990)
- Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance (signed October 22, 2015)
- Inter-American Convention to Prevent and Punish Torture (ratified September 15, 1988)
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (ratified October 24, 1996)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified September 30, 1988)
- Vienna Convention on the Law of Treaties (ratified April 9, 1981)
- International Convention on the Elimination of All Forms of Racial Discrimination (ratified October 20, 1971)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ratified March 21, 2005)
- Convention on the Rights of the Child (ratified August 13, 1990)
- Convention on the Rights of Persons with Disabilities (ratified July 29, 2008)
- International Covenant on Civil and Political Rights (ratified February 10, 1972)
- International Covenant on Economic, Social and Cultural Rights (ratified February 10, 1972)
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (signed May 6, 2001)

- Optional Protocol to the Convention on the Rights of Persons with Disabilities (ratified July 29, 2008)
- Optional Protocol to the International Covenant on Civil and Political Rights (ratified May 27, 1992)

## Appendix 2 Organizations interviewed during the observation mission

- Acción – Asociación chilena de ONG
- Agrupación por la defensa de los derechos Humanos – Calama
- Agrupación por la Memoria Histórica Providencia de Antofagasta
- Alto Comisionado de Naciones Unidas ONU – Chile
- Asamblea de estudiantes secundarios (ACES)
- Asociación de Abogadas Feministas de Chile – ABOFEM – Antofagasta y Calama
- Asociación de Abogadas Feministas de Chile – ABOFEM – Santiago
- Asociación Nacional de Empleados Fiscales – ANEF
- ATTAS-FRACTAL – Agrupación de trabajadores comunitarios, Antofagasta
- Casa Memoria José Domingo Cañas – Fundación 1367
- Central Única de Trabajadores (CUT)
- Centro de derechos humanos, Universidad de Chile
- Centro de derechos humanos, Universidad Diego Portales
- Clínica jurídica – Universidad de Chile
- Colectivo de Abogados y Abogadas de Antofagasta
- Colectivo feminista comunitario – Lo Hermida
- Colegio de Periodistas de Chile
- Colegio de Profesores de Chile
- Comisión Chilena de Derechos Humanos
- Comisión de Derechos Humanos – Senado de la República
- Comisión de Derechos Humanos de la Mesa Social de Valparaíso
- Comité de Derechos Humanos de la Coordinadora Feminista 8M
- Comité de emergencia y resguardo, Antofagasta
- Comité de emergencia y resguardo, Santiago
- Comité Socioambiental de la Coordinadora Feminista 8M
- Comunidad de Historia Mapuche
- Confederación Nacional de Trabajadores (CNT)
- Consejo de Pueblos Atacameños
- Consejo Metropolitano, Colegio de Periodistas de Chile

- Coordinadora 8 M, Valparaíso
- Coordinadora Feminista 8M
- Coordinadora nacional de estudiantes secundarios (CONES)
- Corporación de Promoción y Defensa de los Derechos del Pueblo (CODEPU)
- Corporación Feminista La Morada
- Defensoría de Derechos Humanos, Valparaíso
- Departamento Derechos Humanos, Colegio Médico
- Federación de estudiantes de la Universidad de Chile (FECH)
- Foro por el derecho a la Educación
- Instituto de la Comunicación e Imagen, Universidad de Chile
- Instituto Nacional de Derechos Humanos
- Londres 38 Espacio de memorias, ex-centro de represión y exterminio
- Microsesiones Negras
- Movimiento Acción Migrante – Colectividad peruana
- Movimiento de Acción Migrante – Santiago
- Movimiento por el Agua y los Territorios (MAT)
- Movimiento Salud en Resistencia
- Observatorio Ciudadano
- Observatorio de Derechos Humanos y Libertad de Expresión
- Observatorio de Derechos Humanos y Violencia Policial
- Observatorio Latinoamericano de Conflictos Ambientales (OLCA)
- Radio Villa Francia
- Red contra la represión a estudiantes
- Red de Derechos Humanos – Valparaíso
- Subsecretaría de Derechos Humanos – Ministerio de Justicia y Derechos Humanos

The mission also interviewed victims of repression, relatives of victims, parliamentarians and the mayor of the city of Valparaíso.

### Appendix 3 Documents given to the Quebec and Canadian mission by the organizations interviewed

ABOFEM (2020). Presentación de la Asociación de abogadas feministas (ABOFEM) a Misión canadiense, 21 de enero 2020.

Agrupación de Familiares y Amigos de los Prisioneros Políticos «Guacoldas» (2020). Carta a Baltasar Garzón.

Agrupación de Familiares y Amigos de los Prisioneros Políticos «Guacoldas» (2020). Carta a observadores de derechos humanos canadienses.

Agrupación por la Memoria Histórica Providencia Antofagasta (2020). Queja formal al INDH presentada a Osvaldo Aravena, encargado sociedad civil INDH, 7 de enero 2020.

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Autor no mencionado (2019). Caso de nuestros familiares y amigos Bitácora caso Esteban, Gilberto y Rubén.

Avila, Magaly (2019). Violación a los derechos humanos de estudiantes. Red contra la represión a estudiantes y Foro por el derecho a la educación pública.

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Aylwin, José, Didier Marcel y Guerra Felipe (2019). Plan de Acción Nacional de Derechos Humanos y Empresas : análisis crítico desde la sociedad civil.

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Carrasco Urqueta, Gabriela (2019). Recurso de apelación 8013 y 8030 presentada en la Corte de Apelaciones de Antofagasta.

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Chile sustentable (2018). Impactos de las Termoeléctricas a carbón en la salud de la población local. Programa Chile sustentable, Propuesta Ciudadana para el Cambio.

Comisión Chilena de Derechos Humanos (2019). Declaración pública. Actividades realizadas por la Comisión chilena de derechos humanos, a partir del 18 de octubre 2019, fecha de inicio del estallido social. Chile despertó.

Comisión Chilena de Derechos Humanos (2019). Solicitación de medidas cautelares a favor de defensores y defensoras de derechos humanos, voluntarios de la salud, periodistas, manifestantes y víctimas de la represión al movimiento social en Chile ante Paulo Abrão, Secretario ejecutivo de la Comisión Interamericana de Derechos Humanos.

Comisión Chilena de Derechos Humanos (2020). Patrocinio y poder del imputado Luciano Andrés Bonasco Vicencio.

Comisión Chilena de Derechos Humanos (2020). Acción constitucional de protección por el derecho a reunión y manifestación.

Comisión Chilena de Derechos Humanos (2020). Denuncia criminal por delito de torturas, caso Andrés Manuel Pizarro Rodríguez.

Comisión Chilena de Derechos Humanos (2020). Denuncia criminal por delito de mutilaciones, caso Edgardo Navarro Valdés.

Comisión Chilena de Derechos Humanos (2020). Denuncia criminal por presunto delito de escuchas telefónicas ilegales, caso Esteban Silva Cuadra.

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Comisión Chilena de Derechos Humanos (2020). Denuncia criminal por delito de mutilaciones, caso Nicolás Romero Sepúlveda.

Comisión Chilena de Derechos Humanos (2020). Querrela criminal por delito de tortura, caso Luis Jesús Ahumada Villegas.

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Comisión Chilena de Derechos Humanos (2020). Querrela criminal por delito de mutilaciones, caso Eliecer Alfonso Flores Cáceres.

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Comisión Chilena de Derechos Humanos (2020). Querrela criminal por violencia innecesaria con resultado de lesiones graves, caso Gabriel Alexander Guerrero Ramírez.

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Comisión Chilena de Derechos Humanos (2020). Solicitación de pronunciamiento del Pleno de la Corte Suprema ante actuar irracional y fuera de todo protocolo por parte de Carabineros, que han reprimido la protesta social con una violencia inusitada.

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## Appendix 4 Media coverage of the mission

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