

# Victims of institutional violence in Chile's 2019 social uprising: State policies, gaps and lessons for reparation\*

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## Abstract

*Introduction:* In Chile, the social uprising that occurred from October 2019 to March 2020 was massive and nationwide. It began with vandalism in Santiago's subway and spread to fires and looting in various cities. Simultaneously, large-scale peaceful demonstrations took place, driven by widely shared social demands. The political repression of these protests caused deaths and serious injuries, including more than 400 victims with some eye damage and an unknown number of victims with shotgun pellet wounds. The protests ended when gatherings were banned due to the pandemic. This article examines the Chilean State's performance regarding its responsibility to protect harmed citizens from institutional violence following the 2019 social uprising (2019-2025), focusing on the practices and measures of the state's response, particularly rights recognition, assistance, and victims' reparation. *Methods:* This study takes an evaluative, document-based approach. It is supported by official documents issued by the Chilean State and international organisations to analyse the Chilean State's performance regarding the rights of victims of institutional violence and human rights violations. It examines the government's pledge to implement policies of recognition and reparation for victims and their families, including a mechanism to monitor reparation measures before the Inter-American Commission on Human Rights (IACHR). *Discussion:* Despite the 2022 government agreement with the IACHR, which established a framework for a reparations policy and follow-up for victims in accordance with the highest human rights standards, the promised comprehensive reparations policy was not implemented under Boric's rule. The findings indicate that the measures and policies depend on how harm to citizens is defined and recorded, thereby shaping the scope of recognition and constraining proposals for comprehensive reparation and rehabilitation policies. Additionally, the response is characterised by a fragmented approach among State institutions and by the arrival of a new President of the Republic, which has led to new policies and different ideological perspectives.

**Keywords:** Social Uprising; victims; violence; Human rights violations; reparations; State Accountability.

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**Introduction: Facts, consequences, and denouncements**

The social uprising (estallido social) in Chile occurred between October 2019 and March 2020. A series of mobilisations involving hundreds of thousands of people across the country, protesting and demanding improvements in health, education, housing, and pensions. Protesters “denounced (...) the blatant inequality between rich and poor (...) the hardships caused by a private pension system that has left many elderly people in devastating poverty” (Dorfman, 2020). The social upheaval began with vandalism of Santiago’s subway, fires, and looting in different cities, and ended amid pandemic restrictions. Some researchers emphasised the protesters’ emotions, such as rage and frustration, and, at the same time, underlined dignity as a central value and expectations for the recovery of collective values.

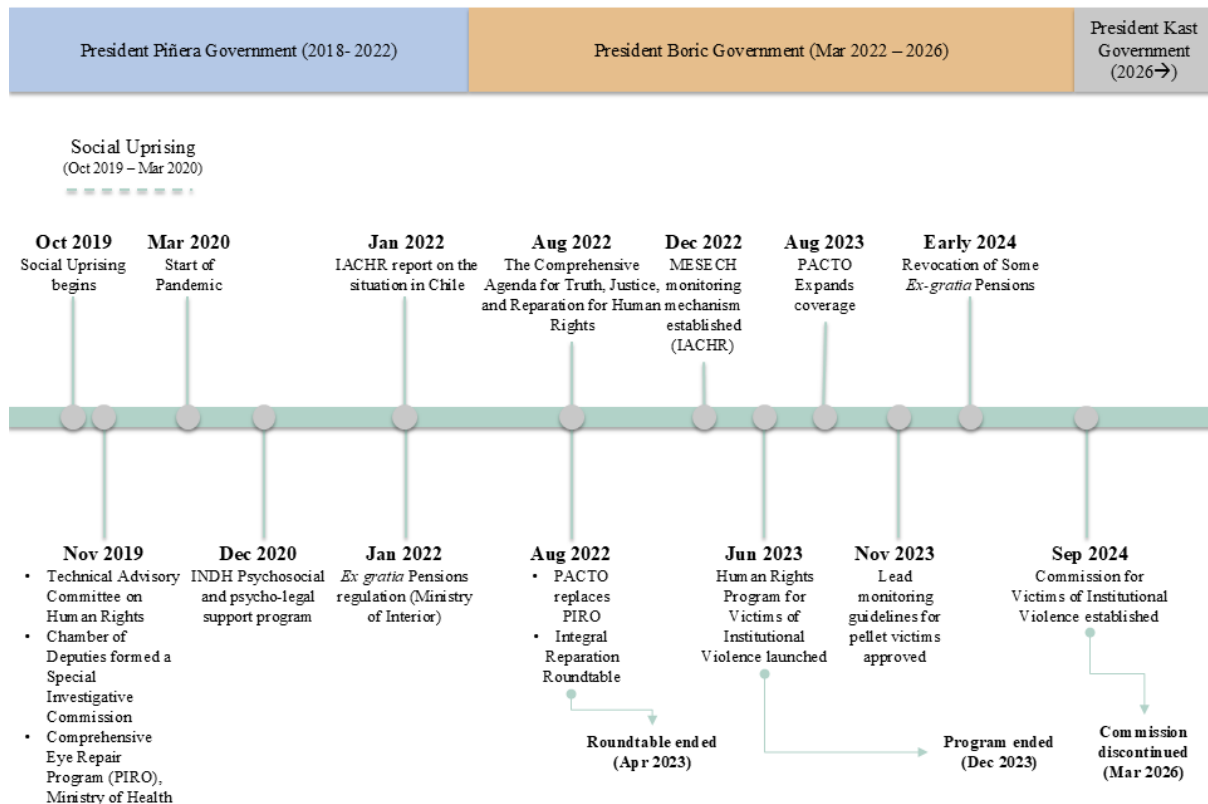
(...) an emotional trigger (...) that allowed the reappearance of the word “people”, the hope for collective solutions, and the possibility to talk about what had previously been

experienced with resignation” (Mac-Clure, Barozet, Conejeros & Jordana, 2020).

The protesters express their epic spirit in many ways, sharing it through dance, graphics, music, poetry, and storytelling (Stern, 2020). The protest began with calls to avoid paying for Santiago’s subway, in response to a “30 pesos” ticket fare increase. Of the 136 stations in the network, 118 were vandalised, and 25 were set on fire (Santiago Metro, 2019, p. 22). President Sebastián Piñera declared: “We are at war against a powerful, implacable enemy that respects nothing and no one, and is willing to use violence and crime without limits” (Presidential Press Office, 2019). A state of emergency was declared in almost the entire country (Government of Chile, 2019).

Juan Pablo Jiménez (MD), researcher at the Millennium Institute for Depression Research, wrote that the perception of a lack of security (access to social security, health, and quality education) was associated with:

**Figure 1. Timeline of state responses to victims of institutional violence (Chile, 2019–2026)**



Feeling disrespected and defeated, being young and poor, feeling lonely and distrusting others, and having experienced mistreatment in everyday relationships. (...) Objective indicators of economic development are insufficient to build a healthy society; the community must perceive that development benefits the majority and not just a few (Jiménez, 2020).

The demonstrations were initially peaceful and massive, under the slogan “Chile Despertó” (Chile Awoke), which seemed to allude to an identity and awareness of power in motion, shared by hundreds of thousands of people of different ages and social backgrounds. However, the social unrest erupted into acts of violence against public transport, the destruction of public signs and equipment, the burning of buses and train carriages, vandalism and the burning of some church buildings, hotels, universities, and public offices; the looting of pharmacies and supermarkets, and attacks on police stations and vehicles revealed an anonymous and multifaceted power of violence and destruction that drew thousands of people, and frightened many others. Police and military repression resulted in more than thirty deaths, as well as an unknown number of injuries and thousands of arrests.

In the face of the social crisis, the President of the Republic, Sebastián Piñera (2018-2022), invited the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Human Rights Watch to serve as observers (Romero, 2019). Several human rights organisations, including Amnesty International, the International Federation for Human Rights, a Quebec-Canadian Mission, and the Inter-American Commission on Human Rights (IACHR), conducted on-site visits. In their reports, they described the population's discontent, the economic and social demands, the repression carried out, and the human rights violations observed and learned about through interviews with affected individuals and civil society organisations<sup>1</sup>. The IACHR condemned the “excessive use of force (...), the serious disturbances (...), and the high number of complaints of human rights violations received by State bodies since the beginning of the protests” (IACHR, 2019). From the beginning, various institutions responded, including the Na-

tional Institute of Human Rights and the Ministry of Health. During the Piñera government, the number of harmed citizens was unknown at the end. The mobilisations ceased with the restrictive measures on gatherings during the coronavirus pandemic in March 2020.

In 2022, the incumbent president of the Republic, Gabriel Boric (2022-2026), starts again, with new measures. His priorities were the government's pledge to implement policies of reparation for victims and their families before the Inter-American Commission on Human Rights (IACHR). But the lack of a victims' registry and the necessary funding effectively undermine the commitment made to the IACHR.

### Methodological approach

The analysis is based primarily on official documents produced by the State institutions and international human rights organisations between 2019 and 2025. Press sources and documents produced by civil society organisations were not included in the main documentary corpus but were used selectively to contextualise specific events or provide supplementary information when official sources were unavailable. The analytical strategy consists of tracing State actions by identifying and evaluating the main measures adopted in the areas of registration, recognition, medical and psychological assistance, and, eventually, reparations, as well as inconsistencies in their implementation and in their institutional records.

The main question of this article is: How did the State recognise the victims, and what actions did it take for them? The article analyses documents on the Chilean State's response to victims' rights after the 2019 social uprising. It examines State practices on recognition, assistance, care, and rehabilitation for these victims.

The article hypothesises that the State response has been fragmented not only among institutions but also due to the president's change in office, reflecting different political visions, and the victims were not a priority despite official declarations.

### Who are the victims?

The United Nations General Assembly, through Resolution 40/34 of November 29, 1985, defined who can be recognised as victims. According to this definition, victims of human rights violations committed during the social unrest correspond to those recognised as such under criminal law and international human rights law.

Regarding the number of victims, each institution maintains its own registry reflecting the population it serves. Law No. 19,628 on Personal Data Protection restricts the exchange of personal information between state agencies. These factors

1 The Research Center for the Americas at the University of California, Santa Cruz and the Human Rights Center at the University of California, Berkeley, School of Law published a report at the one-year anniversary of the 2019-20 protests in Chile. *Human Rights Crisis in Chile: A Digital Inquiry* “It's not 30 pesos, it's 30 years.” <https://storymaps.arcgis.com/stories/1ee6a10615944aeab3be4fce51c03989>

**Table 1.** Selected institutional data on victims' cases and complaints (Chile, 2019-2025)

Category	Source	Period	Reported data
Victims	INDH	2019	More than 250 victims with eye injuries
		up to 2024	3,828 victims represented in 3,233 complaints
Cases, complaint and investigations	Public Prosecutor's Office	up to 2025	More than 400 victims with eye trauma
	Supreme Court (DECS)	Oct 2019-Jan 2020	1,549 cases of human rights violations 1,071 complaints of unlawful coercion
Reparation measures	Public Prosecutor's Office	Oct 2019-Mar 2020	10,142 investigations of institutional violence
	Ministry of Interior	up to Jan 2023	419 <i>ex gratia</i> pensions granted

have complicated efforts to determine the exact number of victims of social uprising using available data.

These limitations point to broader challenges in using State records to identify victims. Differences in institutional legal mandates and in how information is produced shape how victims are defined and counted, including the units used (for example, judicial cases or complaints). This created the risk of both under- and overestimating the number of victims, as well as overlaps across datasets. The absence of a unified registry, despite some attempts to build one, and legal restrictions on data sharing further limit the comparability and integration of available information. As a result, estimates of the number and characteristics of victims remain fragmented and, in some cases, outdated, making it difficult to draw reliable conclusions and to design comprehensive reparation and rehabilitation policies.

Table 1 summarises selected institutional data. These data should not be read as directly comparable, since they refer to different units of analysis, including victims' cases, complaints, and institutional administrative estimates.

**State reactions from the government, the congress, and the judicial Power**

The social uprising posed diverse challenges for the government in controlling public order and addressing the consequences of the repression inflicted on the people. Several institutional actors assisted victims.

In November 2019, President Piñera's government established a Technical Advisory Committee on Human Rights to facilitate inter-institutional coordination. The number of victims with some eye damage exceeded 250 (INDH, 2019, p. 35), making it a critical emergency. The institutional coordination led to the creation of the Comprehensive Eye Repair Program [Programa Integral de Reparación Ocular, PIRO] at the Ocular Trauma Unit (Unidad de Trauma Ocular, UTO) of Hospital del Salvador in Santiago to provide specialised care for cases of eye injury (Ministry of Health of Chile, 2019). The creation of PIRO enabled the provision of prosthetic, functional, and psychosocial rehabilitation (Ministry of Health of Chile, 2022). The Under-secretariat for Crime Prevention of the Ministry of the Interior led the Victim Assistance Network [Red de Asistencia a Víctimas, RAV], which collaborated to provide psychosocial support to some of these victims.

Inter-ministerial coordination also promoted the implementation of in-person and online human rights courses for Carabineros de Chile, Chile's national police force, from a preventive perspective (Inter-ministerial Committee on Human Rights, 2022).

The Senate Human Rights Commission received numerous complaints by listening to victims, their families, and organisations. It also heard from representatives of the Public Ministry, the General Director of Carabineros, and the head of the Chilean Civilian Police (Policía de Investigaciones, PDI). (October

**Figure 2.** Institutional actors involved in the state response to victims of institutional violence (Chile, 2019-2025).

<b>EXECUTIVE BRANCH</b>	<b>Presidency of the Republic</b> <ul style="list-style-type: none"> <li>Political agenda and emergency measures</li> </ul>	<b>Ministry of the Interior and Public Security</b> <ul style="list-style-type: none"> <li>Victim Assistance Network (RAV)</li> <li>Victim Support Program (PAV)</li> <li>Ex gratia pension (DAS/Advisory commission)</li> </ul>	<b>Ministry of Health</b> <ul style="list-style-type: none"> <li>Sanitary Alert</li> <li>PIRO</li> <li>PACTO</li> </ul>	<b>Ministry of Justice and Human Rights</b> <ul style="list-style-type: none"> <li>Reparation roundtable</li> <li>Institutional violence programmes</li> </ul>
<b>JUDICIAL BRANCH</b>	<b>Public Prosecutor's Office</b> <ul style="list-style-type: none"> <li>Criminal investigations into human rights violations</li> </ul>	<b>Courts of Justice</b> <ul style="list-style-type: none"> <li>Processing of cases</li> </ul>	<b>Supreme Court</b> <ul style="list-style-type: none"> <li>Judicial Data (DECS)</li> <li>Oversight of judicial outcomes</li> </ul>	
<b>LEGISLATIVE BRANCH</b>	<b>Senate</b> <ul style="list-style-type: none"> <li>Motions for revision on deterrent tools; illegal coercion and torture; amnesty or pardons.</li> </ul>	<b>Chamber of Deputies</b> <ul style="list-style-type: none"> <li>Investigative Commission and legislative initiatives</li> </ul>		
<b>INTERNATIONAL ACTORS</b>	<b>Inter-American Commission on Human Rights (IACHR)</b> <ul style="list-style-type: none"> <li>Monitoring agreements and reparation commitments</li> </ul>	<b>Office of the High Commissioner for Human Rights (OHCHR)</b> <ul style="list-style-type: none"> <li>Reporting and recommendations</li> </ul>	<b>International human rights organisations</b>	
<b>AUTONOMOUS BODIES</b>	<b>National Institute of Human Rights (INDH)</b> <ul style="list-style-type: none"> <li>Monitoring demonstrations</li> <li>Filing complaints</li> <li>Legal representation of victims</li> </ul>	<b>Children's Ombudsperson (DDN)</b> <ul style="list-style-type: none"> <li>Monitoring violations affecting children and adolescents</li> </ul>		

24, 29, and 30, 2019) On December 9, the session focused on the use of rubber bullets and other deterrent tools (Senate of Chile, 2019). Some Senators introduced motions related to the denunciation of illegal coercion and torture. Proposals for amnesty and a general pardon were also presented (Senate of Chile, 2020), along with the proposal of a Commission for National Re-encounter and Social Peace (Senate of Chile, 2021). However, none of these motions moved forward in the legislative process.

In November 2019, the Chamber of Deputies formed a Special Investigative Commission to examine the

(...) actions of State bodies, especially the Ministry of the Interior and Public Security, as well as Carabineros de Chile and the Civilian Police [Policía de Investigaciones], relating to injuries, illegal coercion and cruel, inhuman or degrading treatment, sexual violence and death of civilians (...) regarding the actions and omissions that have resulted in various human rights violations in Chile committed from October 28, 2019 until the date on which this Commission completes its work (Chamber of Deputies, 2021, p. 2).

The Commission submitted its report in 2021, reinforcing the State's obligations to investigate, punish, and remedy human rights violations and recommending the implementation of a comprehensive reparation policy.

The Supreme Court submitted a report on cases registered from October 18, 2019, to January 17, 2020, in the Judicial Management Support Information System, documenting 1,549 cases of human rights violations (DECS, 2020, p. 19). There were 1,071 complaints of unlawful coercion committed by State agents (DECS, 2020, p. 33).

In most cases, it was noted that crimes occurred during protests and during arrests, transfers, and stays in police stations (DECS, 2020, p. 3). Thirty-four thousand five hundred nine people (34,509) were charged and brought to court. The report noted that 92% of the crimes were attributed to Carabineros de Chile (DECS, 2020, p. 37). In 2021, 60% of the cases (5,102) were provisionally closed due to a lack of "background evidence that would allow their continuation" (Casas, Pérez & Alcaíno, 2022, pp. 39-40). The Public Defender's Office was challenged to reorganise its work processes due to the large number of people in custody and the high number of complaints from detain-

ees alleging violations of their personal integrity. It received the support of civil society organisations and the National Human Rights Institute (INDH). The presence of public defenders helped prevent violations of detainees' rights, as they frequently explained detainees' rights and the limits of police action to police officers (Fariás *et al.*, 2023, pp. 103-104).

### **The agreement for social peace**

On November 15, 2019, eleven members of Congress, representing their respective political parties, signed an agreement for "An institutional solution whose objective is to seek peace and social justice" (Agreement for Social Peace and the New Constitution, 2019). "The signing of the agreement calmed tempers, and the moderate social sectors supported the political solution found by the parties to confront the Crisis" (Rojas, 2022, pp. 1002-1003). Under that agreement, a constitutional convention was elected in 2021. The constitutional draft was rejected in a referendum in September 2022. A new constitutional proposal was formulated in a different format and dismissed in 2023 (Varas, 2024).

### **The role and interventions of the National Institute for Human Rights**

The National Institute for Human Rights [Instituto Nacional de Derechos Humanos, INDH] is an autonomous State body, created by Law No. 20.405 of 2009. In accordance with its institutional mandate, it received complaints nationwide, maintained observers at protests, police stations, and health centres, and initiated legal proceedings before the courts. The institution filed complaints for cases of torture, sexual violence, indiscriminate, improper, and disproportionate use of force, attempted and some completed homicides, and cruel, inhuman, and degrading treatment. The 2022 report highlighted that "among the incidents most reported by the people arrested were beatings and stripping," while "incidents of sexual violence represent approximately 32% of the total incidents reported by people in State custody" (INDH, 2022, p. 39). These forms of victimisation required psychosocial support and referrals to specialised care.

At the end of 2020, the INDH decided to reactivate contact with victims who had filed complaints, as this contact had been interrupted by the pandemic. To this end, the institution hired teams of psychologists and social workers to reconnect with victims and identify their needs, primarily related to physical and mental health, and to refer them to State programs and NGOs based on available resources in the regions. These teams operated within psychosocial and psycho-legal support programs across all regional offices. The institution set other prior-

ities, but regional teams have continued to support victims in legal proceedings and psychosocial accompaniment.

The Piñera government decided to establish financial compensation for the victims who suffered permanent, complete, or partial impairment of their ability to work because of their injuries, through the presidential *ex gratia* pension. The national budget included specific provisions for the necessary funds for these cases in 2021 and 2022. The INDH collaborated in processing *ex gratia* pensions for these victims and for some families of deceased victims (Zúñiga, 2022). Nevertheless, in its assumed role, the INDH stated that this was an assistance pension rather than a reparation measure under international human rights standards.

In January 2022, an Exempt Resolution from the Ministry of the Interior and Public Security regulated the procedure and criteria for approving these *ex gratia* pensions. The Special Presidential Advisory Commission (established by Supreme Decree N° 1928 of 1981 for this purpose) evaluated each case, recommending approval or rejection, as well as the amount and conditions of the benefit. (Under-secretariat of the Interior, 2024). As of early January 2023, 419 pensions were assigned. The Chilean Office of the Comptroller General of the Republic subsequently conducted a review that identified deficiencies in the official approval and noted that 58 beneficiaries had "criminal records from convictions" (Office of the Comptroller General of the Republic, 2023, p. 7). In February 2024, the government revoked 27 *ex gratia* pensions through a presidential administrative act to address prior errors (Carrillo & Aburto, 2024). Following a review of the records, the Public Prosecutor's Office requested the formal prosecution of two former pensioners for subsidy fraud after verifying that they were not victims (Poblete, 2025).

Regarding the right to justice, on October 18, 2024, the INDH conducted an assessment of the status of cases of the social uprising five years later, reporting that the institution had filed 3,233 complaints on behalf of 3,828 victims, 1,481 of whom belonged to one or more groups requiring special protection, and 603 were children or adolescents at the time of the events. Complaints were filed on behalf of 227 people who suffered eye injuries (INDH, 2024). Many cases were closed due to insufficient evidence, which affected the determination of responsibility. At that time, there were 42 final convictions for human rights violations. The assessment, conducted by the INDH five years after the uprising, made clear that most of the violations would go unpunished due to the statute of limitations.

**The commitment to truth, justice, and reparation**

Based on information gathered by the Office of the High Commissioner for Human Rights (OHCHR),

There are reasonable grounds to believe that, from October 18 onwards, a high number of serious human rights violations have been committed. These violations include excessive or unnecessary use of force that led to arbitrary deprivation of life and injuries, torture and ill-treatment, sexual violence, and arbitrary detentions. These violations occurred throughout the country, though most occurred in the Metropolitan Region and urban contexts (OHCHR, 2019, p. 29).

In March 2022, Gabriel Boric took office as President of the Republic. In August 2022, he announced *The Comprehensive Agenda for Truth, Justice, and Reparation for Human Rights Violations Committed during the Social Uprising*, reaffirming his commitment to “victims with irreversible physical damage, victims of eye injuries, victims of sexual violence, and the relatives of homicide victims” (Boric, 2021).

As part of this commitment, the Ministry of Health of Chile (2022) issued the Exempt Resolution N° 489, which specifies the technical guidelines for PIRO and changes the program's name. The new program's purpose is “to promote the decentralized implementation of this program [...] with a focus on both people who have already started treatment and those who, for various reasons, have not accessed it.” (Under-secretariat for Healthcare Networks, 2022, p. 4). Subsequently, the Support and Care Plan for Survivors of Ocular Trauma, Serious Injuries, and people Injured by Pellets [Plan de apoyo y cuidado para sobrevivientes de trauma ocular, lesiones graves y lesionados por perdigones, PACTO], approved by Exempt Resolution N° 577 on August 10, 2023, replaced the 2022 PIRO resolution. PACTO's proposal emphasises a comprehensive, multidisciplinary approach, prioritising continuity of care and access to health services, and expanding coverage to other regions. PACTO gradually expanded its care to include people with severe injuries and victims of pellet gunshots. In November 2023, the Ministry of Health approved the technical operational guidelines for measuring lead levels in people affected by pellet gunshots who still have pellets in their bodies (Ministry of Health of Chile, 2023).

In the context of the Agenda on Truth, Justice and Reparation, in August 2022, the Under-secretariat for Human Rights of the Ministry of Justice and Human Rights, created the “Comprehensive Reparation Roundtable for victims of human rights violations during the social uprising” [Mesa de

Reparación Integral para víctimas de violaciones a los derechos humanos durante el estallido social], formalised by Exempt Resolution N° 286, with the purpose of including victims and their families, creating a dialogue space to collect demands and proposals for the development of a comprehensive reparation public policy.

The Under-secretariat for Human Rights lacked information on individual victims and had estimated a universe of 10,816 complaints during the social uprising (Inter-ministerial Committee on Human Rights, 2022). The complaints filed by the National Institute for Human Rights (INDH) reduced that number to less than half. This disparity in relation to the estimate of the number of possible victims, as well as the restrictions of Law No. 19.628 related on accessing private data collected by various institutions, required the construction of a registry of victims at the Under-secretariat for Human Rights, including demographic data, medical certification of the reported injuries, and other elements such as testimonies and press reports that would allow corroboration of the veracity of the information.

The Comprehensive Reparations Unit began its work by holding meetings in all regions with individuals and organisations that identified themselves as victims; with professionals from NGOs and legal, social, and health service centres; with representatives from the ministries involved providing services for victims; and with professionals, academics, and experts from national and international research centres. Based on discussions during team meetings about the registry process, by the end of 2025, the victim registry included individuals who had participated in the Comprehensive Reparation Roundtable meetings, victims represented by the INDH who had filed complaints and lawsuits, and individuals identified through the Judiciary's public databases.

Many people who participated in the meetings still had pellets and rubber bullets lodged in their bodies, causing them daily pain; others suffered eye damage, brain damage, and sequelae of bone and muscle injuries, and only a few had received treatment. Some reported having suffered torture, cruel and degrading treatment, and sexual abuse. The Roundtable Unit included a psychosocial team that interacted with victims, assessed their most urgent needs, and referred most to the Victim Support Program (PAV) of the Ministry of the Interior and Public Security across regions for psychological assistance.

During the meetings, some family members referred to the so-called “prisoners of the revolt,” denouncing that they had been unjustly detained and kept in pre-trial detention for excessively long periods. At the end of December 2022, the President of the Republic pardoned 12 people convicted during the

social uprising. This action generated considerable controversy due to the criminal records of most pardoned individuals, including, in several cases, serious crimes committed before the social unrest. The Minister of Justice resigned. The selection of those pardoned reinforced the media narrative associating the victims of the social uprising with ordinary crime, devaluing the political legitimacy of the social protests, as well as the potential for recognition and reparation for those who suffered physical and psychological harm because of the repression carried out by the authorities.

The Roundtable's Reparations Report, submitted to the President of the Republic on March 31, 2023, recommended creating a program within the Human Rights Under-secretariat of the Ministry of Justice to develop a single, unified registry of victims; document injuries and sequelae, the physical and psychological consequences; and design a policy for recognition and reparation of victims

#### **The role of the Inter-American Commission on Human Rights (IACHR).**

In January 2022, the IACHR published the report "Political Situation in Chile<sup>2</sup>." It contained 60 recommendations organized into four categories: a) the right to social protest, b) the principle of democratic institutions, c) freedom of expression, and d) historical demands regarding equality and non-discrimination in relation to economic, social, cultural, and environmental rights (IACHR, 2022a). The IACHR and the State of Chile, through the Ministry of Foreign Affairs, agreed on a Joint Mechanism to Monitor Recommendations held in the Report Situation of Human Rights in Chile<sup>3</sup> [Mecanismo Conjunto de Seguimiento a las Recomendaciones del Informe Situación de Derechos Humanos en Chile, MESECH]. This agreement was signed in December 2022, along with a work plan.

It was agreed:

To develop and implement methodologies for monitoring recommendations (...) primarily focused on comprehensive reparation measures and the identification of the population of victims, the advancement of investigations and judicial proceedings, the regulation and guarantee of

the right to social protest, and institutional reform of the police (IACHR, 2022c, p. 2).

The Work Plan included a request for technical assistance related to: a) Standards or comparative experiences in qualification and reparation processes at the regional level; b) the identification of good practices and regional lessons to be incorporated regarding non-monetary forms of reparation; c) types of damages to be repaired; d) reparations appropriate to the incorporation of gender, children, and indigenous peoples' perspectives; e) and criteria for qualifying victims of the social uprising and victims of human rights violations in general.

The IACHR referred extensively to the consequences of human rights violations:

[There are] situations that threaten life and personal integrity and involve traumatic experiences that often manifest in intense stress, extreme suffering, anxiety, humiliation, and radical change in the lives of surviving victims and their families. These situations also entail a social and community impact due to the collective and widespread nature of the violations and the traumas they generate" (IACHR, 2022b, p. 7).

The IACHR indicated that

Rehabilitation programs must consider that human rights violations have different effects on women, girls, and adolescents, so these measures must recognize the harm suffered and specific needs, based on their race, ethnic origin, religion or belief, health, social status, age, class, caste, sexual orientation, and gender identity (IACHR, 2022b, p. 13).

Establishing a registry and classification of victims is a priority:

Therefore, the Commission suggests that the State first determine the violations and resulting harms that will be the subject of the reparations policy before proceeding with the determination and qualification of victims. (...) The policy must include a registry of victims for access to reparations, based on public and transparent criteria that guarantee non-discrimination and access to information, with an adequate institutional structure and budget (IACHR, 2022b, p. 21).

The IACHR and its Special Rapporteur for Freedom of Expression (RELE) visited Chile from March 18 to 21, 2024,

2 During the Dictatorship IACHR published four reports (1974, 1976, 1977, 1985) on Chile Human Rights Situation. See Country Reports <https://hrlibrary.umn.edu/iachr/country-reports/reports.html>

3 OAS IACHR Chile- MESECH <https://www.oas.org/en/IACHR/jsForm/?File=/en/IACHR/SSRI/Chile/MESECH/default.asp>

within the framework of the MESECH to follow up on the recommendations of the Report About Human Rights in Chile. The IACHR emphasised that:

The State must urgently provide and coordinate programs to ensure comprehensive reparations for victims, particularly in cases of torture involving sexual violence and eye injuries caused by officers of the relevant institutions. These programs must have national coverage, be comprehensive, and provide both psychosocial and mental care for victims and their families. (IACHR, 2020, Number 6, under VIII. Recommendations).

The IACHR stated that it would follow up on draft laws related to citizen security, the right to assembly and protest, and police reform, especially regarding the regulation of the use of force in maintaining public order. In 2024, MESECH requested information from the State on all prioritised recommendations. In accordance with the agreed roadmap, MESECH will remain in operation until 2026, when it plans to publish its final report on Chile's compliance with the IACHR's recommendations<sup>4</sup>.

#### Legal actions looking for justice and reparations

In April 2025, the Public Ministry reported that 90.9% of the 10,142 cases of institutional violence registered between October 18, 2019, and March 31, 2020, were closed (Salas, 2025). The status of these cases can be interpreted as a failure to fulfil the State's obligation to investigate in accordance with due diligence standards and within a reasonable time (Casas *et al.*, 2022).

Filing civil lawsuits against the Chilean State has been a way to seek compensation in cases of death and irreversible harm. Very few cases have received compensation through civil lawsuits. For example, in Case C-4286-2020, the Second Civil Court of Concepción issued a ruling in September 2022, awarding 220 million pesos [approximately equivalent to USD 238,871] in compensation to five relatives of a victim who died because of the violent events<sup>5</sup>. The perpetrator was released.

In June 2023, the San Miguel Court of Appeals granted the claim for damages filed by Fabiola Campillai and her fam-

ily and ordered the State to pay a total of \$680.000.000 [approximately equivalent to USD 850,000] in moral damages to the plaintiffs. The ruling (case number 2-2022) established the moral damages caused to the family by the actions of a Captain of Carabineros at the time of the events, Patricio Maturana, who was sentenced in criminal court to 12 years and 183 days in prison as the perpetrator of the completed crime of unlawful coercion causing severe injuries (total blindness).

In May 2025, in Case N° 683-2023, a civil judgment was issued ordering the State of Chile to compensate a victim with 90 million pesos [Approximately equivalent to USD 95,643] for the loss of an eye caused by the negligent use of a riot shotgun during the social unrest.

As illustrated by the civil lawsuits mentioned above, the courts have established compensation in some cases. Most civil lawsuits seeking reparation are still pending, and an unspecified number of cases have expired due to the legal deadline.

#### Initiatives of the Under-secretariat for Human Rights of the Ministry of Justice and Human Rights

The Under-secretary for Human Rights established the Human Rights Program for Victims of Institutional Violence to implement recommendations from the Reparations Roundtable. Between June and December 2023, the program compiled a registry of victims and coordinated State institutions to provide services to them. The registry included demographic information, data on access to services (justice, health, and pensions), and a record of harms supported by documents and medical certificates. A relevant number of the registered victims belong to the most disadvantaged sectors of the population, with limited access to housing, employment, and vocational training, and many of them had suffered trauma since childhood. This situation poses a complex challenge for a comprehensive reparation policy. Throughout 2023, the program engaged with victims by providing psychosocial support, listening, and referring them to PACTO, which had expanded its regional coverage and begun removing pellets since November 2023. However, in December 2023, the program was dissolved due to a lack of funding.

In September 2024, the Under-secretariat established the Commission for Victims of Institutional Violence, a working team tasked with a definitive registry of victims of the social unrest, incorporating records from several State institutions under special collaboration agreements. Before the end of President Boric's administration, this commission was required to formulate recommendations, including proposals for health reparations measures for people with physical injuries and psychological trauma caused by State agents. These recommendations prioritised ensuring access to specialised health and

<sup>4</sup> IACHR visit Chile in the context of the Joint Mechanism to Monitor Recommendations (March 27, 2024).

<sup>5</sup> References regarding the value of the dollar can be found on Servicio de Impuestos Internos [Chilean Internal Revenue Service] website: May 2022: 1USD: \$ 921.01; June 2023: 1USD: \$800; May 2025: 1USD: \$941. [https://www.sii.cl/valores\\_y\\_fechas/dolar/dolar2025.htm](https://www.sii.cl/valores_y_fechas/dolar/dolar2025.htm).

mental health services to eye trauma victims, and the removal of pellets for those who still retain them through the PACTO plan. In March 2026, under the new administration of President José Antonio Kast, the Commission was discontinued.

### Final reflections

Chile's recent history has been marked by massive human rights violations during the military dictatorship and, obviously, on a different magnitude in the context of the 2019 social uprising. The latter was characterised by five months of massive social protests (2019-2020). Allegations of human rights violations against protesters were documented in reports by several international organisations that observed the demonstrations, including IACHR, OHCHR, Amnesty International, Human Rights Watch, and others. The complaints were filed mainly by the National Institute of Human Rights and local human rights organisations. The Supreme Court's Research Department identified more than 1,500 cases that qualified as human rights violations, mainly torture cases, in addition to institutional violence and cruel and degrading treatment.

The violence and criminal acts of some protesters influenced public perception of the upheaval, although most remained peaceful. The police responded with tear gas and projectiles, injuring many. Media coverage labelled all protesters as criminals, implying that their alleged offences justified rights violations and undermined victims' right to seek redress from the State.

The *United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association*, Clément Nyaletsossi, clearly demanded accountability and an end to impunity for serious human rights violations surrounding these rights (UN, 2023). He insisted that hostile narratives must be rejected and replaced with policies that unequivocally respect fundamental freedoms and guarantee reparations for victims.

This observation is consistent with our conclusions: measures and policies depend on how the harm caused to citizens is defined and documented. When such harm is understood as a human rights violation, the state is obligated to recognise the victims and provide them with redress.

The State's obligation to provide comprehensive reparation involves internationally established regulations and practices, including legal, social, and physical and mental health services for individuals, their families, and the community. Rehabilitation as a form of reparation implies that "victims can rebuild their lives, find new opportunities, assert their rights to justice and truth, and contribute to non-repetition" (UN, 2019, p. 16). Caring for those who have suffered torture, mutilations, or other violence has required not only legal recognition of the re-

pressive facts but also the implementation of effective, comprehensive, and ethical policies that guarantee medical and psychosocial assistance and reconstruction of their life projects. As mentioned earlier, it was announced in the Government Comprehensive Agenda for Truth, Justice, and Reparation and committed to with the IACHR in December 2022. This agreement, in accordance with the highest human rights standards, established a framework for recognition, reparations, and follow-up for victims.

The implementation of this commitment required identifying the target population, available resources, and capacities, incorporating strategic and political perspectives to implement a comprehensive policy for victims. In approximately 120 cases handled and referred by the Reparation Roundtable team (Ministry of Justice and Human Rights, 2023), this experience confirmed that successful rehabilitation depended on timely care, access to psychosocial assistance that facilitated the deployment of emotional and personal resources, and support from family and other networks. It also relied on the ability to earn a regular income to support oneself and one's family.

More than 400 individuals suffered eye trauma (Office of the Public Prosecutor, 2025). Between 2022 and 2025, six victims who experienced globe rupture or vision loss from blunt trauma or laceration by a sharp object died by suicide (Toro-Leyton, 2025), even though some had received medical and psychological care. The profound changes and loss of autonomy resulting from these injuries can lead to a constant re-experiencing of trauma, making it difficult to break free from feelings of entrapment—especially when compounded by social rejection and stigma. This isolation only deepens suffering, with each painful experience amplifying feelings of helplessness and hopelessness. Such cases underscore the severe impact of trauma and highlight the limitations of current health programs as sources of social support and psychological repair, even when professional care is of high quality. They reinforce the urgent need for comprehensive State programs focused on assistance and reparation. Rehabilitation must be understood as a holistic process that includes legal action, acknowledgment of human rights violations, material and symbolic reparations, social support, and specialised psychological treatment. Coordination among these elements is essential to restore victims' dignity and help them rebuild their lives. Furthermore, there is a need to reassess what constitutes a truly comprehensive compensation program for these individuals.

The article concludes by examining the paradoxical outcomes and limitations of the government's policies toward victims of social uprising. This experience offers valuable lessons for other contexts. First, an effective reparations policy begins

with a unified registry of victims. Achieving this requires resolving discrepancies in analytical frameworks across institutions. It also requires overcoming legal and institutional barriers to data sharing. Robust inter-institutional agreements are crucial for ensuring data comparability and integration.

Building on this, designing reparation policies requires two key actions: establishing a stable institutional framework and securing sustained funding. Both are necessary to ensure continuity beyond political cycles, enable effective policy implementation, and promote ongoing institutional learning and coordination.

In addition, reparation and rehabilitation should be approached holistically, avoiding fragmented or isolated programs. Key recommendations include integrating legal, health, psychosocial, and socio-economic measures to address victims' needs and actively facilitating the reconstruction of their life projects.

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