



Contributions to the United Nations Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Ms. Tlaleng Mofokeng

Topic: The situation of people injured and mutilated by pellets fired by the Chilean police and the impact on mental health in communities affected by state repression.

Presentation of the Organization: The José Domingo Cañas Memory House, a former center of kidnapping, torture, and extermination during the Chilean civilian-military dictatorship, has now been transformed into a Site of Memories and is administered on loan by the 1367 Foundation. At Casa Memoria, we focus our activities on promoting and defending Human Rights and memory. We have a Commission of Human Rights Observers that specializes in the monitoring and social control of the behavior of the police force, to make visible the Guarantees of Non-Repetition and the duty of States to implement measures that ensure the effective observance of human rights. Since its creation in 2011, the Commission has carried out 274 Observation Missions¹ and has received a series of complaints and requests for support on issues related to human rights and the right to social protest throughout the country². The context of these contributions is framed from the Social Outbreak in Chile, in October 2019. However, we must clarify that we have been collecting the repressive events since well before 2011 and have been systematic.

1. General Situation of Victims of Police Violence

During the social outbreak in Chile in October 2019, hundreds of people were injured and maimed using pellets and gas rifles fired by the Chilean police in a widespread and indiscriminate manner. Many of these people have not received any type of comprehensive reparation nor have they been recognized as victims of state violence. The state response has been insufficient to provide adequate and timely medical and psychological treatment, leaving these people helpless in terms of physical and mental health. The scarce support has been focused exclusively on some of the victims of Ocular Trauma, and the benefits have been understood as benefits and not as part of the exercise of the right to reparation, given that many victims have had to "apply" to access, for example, physical and mental health care.

Of particular concern is the lack of a comprehensive approach to dealing with victims of police violence. To date, at least five suicides have been reported among survivors of state

¹ It is an independent monitoring in the place where the manifestations take place. The purpose of this monitoring is to observe the State's obligations in safeguarding the right to peaceful demonstration. The team that goes out to the field is trained in Human Rights and meets the requirements of respect for the law, objectivity, non-intervention, transparency, and visibility, by the provisions of the Human Rights Framework for Human Rights Defenders who carry out this work.

² Further information on our websites:

www.observadoresddhh.org

www.josedomingocanas.org



repression, reflecting the severity of the impact on the mental health of those who have suffered injuries or trauma from the use and abuse of the police force.

2. Absence of Comprehensive Reparation

Despite the magnitude of the damage caused, there are no comprehensive reparation programs that address both the physical and psychological needs of those affected. The lack of recognition and treatment by the State towards the victims of state violence has perpetuated the pain and sense of abandonment in these people. This is deepened by the strong criminalization of demonstrators and the public non-recognition of the objectives of the social uprising, distorting the purposes of the demonstrations. The narrative has changed in the communicational and state narrative, going from naming the event "Social Outbreak" to "Criminal Outbreak".

Compensation or reparation measures have been sporadic, isolated, and limited, without a systemic approach to provide justice and support in the medium and long term.

3. Impact on Children and Adolescents (NNA)

Another critical aspect is the lack of studies and measures that address the mental health of children and adolescents (NNA) who have witnessed or been direct victims of police repression in their schools and their surroundings. The presence and occupation of militarized police forces in school zones, as well as in indigenous communities in southern Chile, has generated an environment of constant tension and fear, the psychological effects of which have not been adequately evaluated and treated.

The constant exposure to state violence, which we have observed since 2011, also produces anger and impotence, which turns into more disruptive mechanisms of demonstration, generating an increasingly violent reaction on the part of state agents.

No research evaluates the long-term impact of repression on children, nor public policies that address their mental health, which leaves this vulnerable population, without the necessary protection and support.

4. Impact on affected communities

Communities living or working in areas repressed by militarized police have been equally affected. Areas surrounding schools and universities participating in mobilizations have been subjected to indiscriminate attacks by law enforcement and security forces, who have used tear gas, pepper spray, and water cannons in a widespread and disproportionate manner. These attacks have not only affected protesters but also people who live or work in the vicinity where the demonstrations are taking place, with serious consequences for their physical and mental health.

Tear gas, which remains in the air for days, and the indiscriminate use of other repressive tactics, have created a hostile and dangerous environment in these areas, negatively affecting the quality of life and generating a profound psychological impact on the inhabitants. This is



reflected, for example, in the rejection that the demonstrations are generating in sectors of the population, where those who demonstrate are blamed for the bad coexistence and not the State, which is the actor who generates repression and damage and does not protect the demonstrations.

5. Revictimization and Transgenerational Trauma

It is important to note that the repression experienced during the social outbreak generated a process of revictimization in many people who lived through the dictatorship in Chile. The current violence by the State has reactivated old traumas in victims and survivors of the dictatorship, exacerbating the psychological impact of the violence.

Despite this situation, there are no public policies that address transgenerational trauma. This vacuum in the state response not only perpetuates the pain in past generations but also impacts current generations who must live with the aftermath of state violence at different times in the country's history.

6. Approach from the State

The Ministry of Health (MINSAL) has not taken actions to prevent or monitor the effects generated by state action in the control of social protests. Nor has it publicly reported on the effects of the weapons used by the police.

The police do not inform the population about the consequences and damage caused by their weapons. Nor have they provided aid to people injured by their weapons and actions. There have also been attacks by state agents on civil society health brigades that, in various ways, try to make up for the lack of state response to the damage caused by the action of the police.

7. Conclusions and Recommendations

- **Lack of comprehensive reparation:** The Chilean State must implement comprehensive reparation policies that address both the physical and psychological damage suffered by victims of state violence.
- **Attention to children and affected communities:** It is essential to carry out studies on the mental health of children and adolescents affected by repression, as well as communities that have been victims of police violence. The intervention should include long-term protective measures and psychological support.
- **Transgenerational trauma:** The creation of public policies that address transgenerational trauma is recommended to break the cycle of revictimization and promote healing in victims and their descendants.
- **Approach from the State:** The State must guarantee that no person, in the exercise of the right to peaceful demonstration, suffers physical and/or mental harm. MINSAL must certify that the use of less lethal weapons against the population, especially those subject to special protection, does not cause harm. It should also address its use and consequences as a public health issue.



This report seeks to contribute to the analysis of the human rights situation in Chile and the urgent need for a state response that guarantees the right of people to enjoy the highest attainable standard of physical and mental health, especially in contexts of state violence. The State's actions in addressing peaceful demonstrations have caused damage to the social body, which has not been recognized or addressed.

Commission of Human Rights Observers of the 1367 Foundation - José Domingo Cañas Memory House

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