

# Torture prevention measures in police custody

*Case study: Chile*

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**March 2025**



association for  
the prevention  
of torture

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# Executive summary

Since its transition from a dictatorship to democracy in 1990, Chile has made significant strides in the prevention of torture and ill-treatment, earning international recognition. Independent research commissioned by the Association for the Prevention of Torture (APT) in 2016, that resulted in the publication *Does Torture Prevention Work?*, identified Chile as one of only two countries featured in the “Prevention Sustained” category, demonstrating significant progress.<sup>1</sup>

However, the 2019 *social uprising* marked a turning point. Mass demonstrations were met with excessive use of force by law enforcement officials, and allegations of widespread torture and ill-treatment. Now, five years after the *social uprising* and almost a decade after the findings of *Does Torture Prevention Work?*, there is an opportunity to take a closer look at Chile’s progress, ongoing challenges, and the steps needed to strengthen torture prevention efforts.

The APT commissioned a consultancy that analyzes four key recent preventive measures: (1) institutional changes within the Carabineros (national police); (2) human rights police-training; (3) access to lawyers during police custody, and (4) the monitoring of police custody by the National Preventive Mechanism (NPM<sup>2</sup>).

This case study seeks to provide a clearer picture of Chile’s progress following the 2019 *social uprising*, the challenges that remain, and the next steps needed to ensure the sustainability of torture prevention efforts. The case study reveals a complex interplay of progress and challenges. Further work is needed to truly integrate human rights throughout the Carabineros’ culture and operations, ensuring robust oversight mechanisms and addressing impunity. The recommendations include strengthening reforms, increasing practical training regarding human rights, and securing greater resources for the NPM and public defenders.

The research applied a qualitative methodology, combining desk research with in-country interviews conducted in December 2024. The interviews, involving a range of stakeholders including Carabineros personnel, public defenders, and representatives from the NPM and the National Human Rights Institution (NHRI), as well as representatives of civil society, sought to assess the impact of various preventive measures.

While the initial aim was to evaluate the impact quantitatively, limitations in available data led to a focus on qualitative analysis of interview responses, supplemented by existing reports and documents. This approach aimed to identify changes related to torture prevention and analyze contributing factors. The study acknowledges the limitations of its predominantly qualitative nature, including the challenges of establishing direct causality between interventions and outcomes due to the absence of a robust baseline.

## Main Findings

- *Key national legal developments in the field of torture prevention*

Chile’s significant legal reforms since 1997, including a shift to an adversarial justice system and the creation of institutions like the National Prosecution Service and the Public Defender’s Office, led to a reported decrease in torture. Further strengthening came with the 2016 criminalization of torture, defining it broadly and establishing a tiered system of offenses. Despite this, convictions for torture remain rare, giving the impression of impunity. Crucially, Chile ratified the Optional

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<sup>1</sup> Richard Carver, Lisa Handley ‘Does torture prevention work?’. Liverpool University Press, 2016. The other countries are grouped under the following sections ‘Prevention stalled’, ‘Prevention Expected’, and ‘Prevention Denied’.

<sup>2</sup> For the purposes of this document, it is hereby stated that the acronym MNPT is used as equivalent to the name of the Committee for the Prevention of Torture, which is designated at the national level by the acronym CPT. Accordingly, any reference to MNPT shall be understood as referring to the same body to which the acronym CPT alludes.

Protocol to the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (OPCAT) in 2008 and established the NPM in 2019, tasked with monitoring places of detention.

- *Institutional changes within the national police*

Since 2011, the Carabineros has undertaken various reforms, including the elevation of the Human Rights Department to a Directorate and the development of internal protocols on the use of force. While structural reform efforts have begun, including a modernization act in 2022, progress has been slow. Deep-seated issues, such as a militarized culture and a focus on security over human rights, continue to impede progress. Challenges also persist in ensuring that human rights principles are fully integrated across all levels of the institution. The need for a more profound structural reform has been identified but reform remains embryonic.

- *Human rights training*

The Human Rights Directorate leads on-going training initiatives, with support from international actors like the International Committee of the Red Cross (ICRC) and the NPM. While thousands of Carabineros have received human rights training, it remains largely theoretical, with insufficient emphasis on operational scenarios. Human rights training should be integrated into other operational training, such as arrest and use-of-force procedures. Utilizing tools like the 'Méndez Principles' and the UN Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests could enhance training effectiveness. Finally, an impact evaluation of existing training programs is needed to assess their contribution to improved human rights practices.

- *Pilot project on access to a lawyer in police custody*

A 2021 pilot project led by the Public Defender's Office aimed at ensuring early access to a lawyer in police custody showed promising results, including a stated decrease in complaints of ill-treatment and improved relations between the Carabineros and public defenders. However, a lack of funding and resources prevented the project from being extended and implemented on a larger scale. The positive results of the pilot project need to be capitalised upon, with advocacy at the national and international levels to support the extension of the programme (for example at the upcoming review by the UN Committee Against Torture). In parallel, the model proposed could be reviewed, based on lessons learned from the pilot as well as from current experiences. The presence of public defenders could be implemented in a more flexible way, with a system of ad hoc unannounced visits rather than daily presence.

- *NPM monitoring police custody*

The NPM, in its four years of operation, has strategically developed a comprehensive program for monitoring police stations, focusing initially on material conditions to build trust and dialogue. The strategy involved extensive preparatory work, including awareness-raising, development of monitoring tools, and a structured follow-up process. The program has demonstrably improved material conditions and detainee treatment, fostering a culture of external oversight. However, challenges remain, including transitions in personnel and navigating the relationship between the NPM and the NHRI. Future NPM work should focus on strengthening safeguards, addressing use-of-force issues, and enhancing training using international best practices and tools such as the Méndez Principles. Collaboration with civil society is also crucial for sustained improvement.

- *APT's multifaceted contribution to torture prevention in Chile*

The APT's contribution to Chile's torture prevention efforts has been multifaceted. It provided significant support during the establishment of the NPM, offering technical advice and facilitating the initial training of NPM staff. The APT has fostered collaboration between the NPM, the Carabineros and other stakeholders, facilitating knowledge exchange through peer networks and regional conferences. Its role as a "knowledge hub" has provided access to resources and good practices, influencing the design of training programs and operational procedures within the Carabineros and the Investigative Police (PDI). By promoting dialogue and sharing best practices internationally, APT has amplified Chile's progress and strengthened its position within the global movement to prevent torture. This strategic approach, combined with the cultivation of a strong

network of Chilean human rights experts who remain engaged in torture prevention, even as their professional roles evolve, ensures the sustainability and effectiveness of torture prevention initiatives in Chile.

## Conclusions and recommendations

Despite Chile's progress in torture prevention, key challenges persist, including the need for deeper structural reform, improved safeguards during public protests, and addressing impunity. The momentum generated by recent reforms, combined with increased institutional openness and international support, provides a unique opportunity to embed lasting cultural change.

The APT has played a crucial role in supporting these efforts, particularly in empowering the NPM, facilitating peer exchanges, and promoting international best practices among different stakeholders. Moving forward, APT and its partners can build on these achievements to further strengthen accountability, enhance police training, and advocate for reforms that ensure both security and human rights protection.

The case study identifies four key areas for further action:

1. **Reinforcing reforms.** Strengthen legislative frameworks and public policies, and ensure deeper institutional changes within the national police, including enhanced oversight.
2. **Improving training and operational practices.** Integrate human rights training into tactical police education and reinforce practical applications, such as the Méndez Principles.
3. **Institutionalizing preventive measures.** Expand access to legal counsel during police custody.
4. **Enhance the effectiveness and sustainability of the Chilean NPM** by supporting the NPM development to include the monitoring of legal safeguards.

Chile's progress demonstrates that systemic change is possible with sustained commitment, strategic collaboration and a clear vision for a modern, human rights compliant policing.

# Introduction

*'Chile is an example of resilience, a country which managed to transition peacefully from an atrocious dictatorship to a democracy.'*

Volker Türk, High Commissioner on Human Rights.<sup>3</sup>

Chile's remarkable transition is especially visible in the area of torture prevention, with a drastic decrease in the use of torture following the end of the Pinochet dictatorship (1973 – 1990). In the 2016 independent research commissioned by the APT, 'Does Torture Prevention Work?', analysing prevention measures in 16 countries over a period of 30 years (1984-2014), Chile is one of the two countries, together with United Kingdom, featured by the researchers in the section 'Prevention Sustained',<sup>4</sup> showing the progress made during that period.

However, the 2019 social uprising, characterized by massive demonstrations and excessive use of force by the Carabineros de Chile (the country's national police force responsible for law enforcement and public order) resulted in many injuries and some fatalities. The response by the Carabineros, as well as some prior scandals, raised questions about respect for human rights, training and institutional culture as well as the sustainability of torture prevention measures.<sup>5</sup>

Five years after the social uprising and ten years after the findings published in 'Does Torture Prevention Work?', there is a momentum, both nationally and internationally, to look more closely at the measures taken in Chile to prevent torture. The APT decided to analyse recent torture prevention measures and assess the adequacy of those measures in reducing the risks of torture and ill-treatment.

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<sup>3</sup> OHCHR Press Release 30 April 2024 '[Türk meets with authorities and civil society in Chile](#)'.

<sup>4</sup> Richard Carver, Lisa Handley 'Does torture prevention work?'. Liverpool University Press, 2016. The other countries are grouped under following sections 'Prevention stalled', 'Prevention Expected', 'Prevention Denied'.

<sup>5</sup> There are two police forces in Chile, the Carabineros and the Investigation Police. This case study focuses on the Carabineros, as it is the biggest law enforcement agency in Chile. It was directly 'on the ground' during the social uprising, and after being one of the most highly respected institutions in Chile it has suffered a crisis in legitimacy since 2018.

# Methodology and limitations

The research aimed to: (i) assess the extent to which preventive measures related to police custody have contributed to positive changes, including possibly in reducing torture and ill-treatment; (ii) identify and analyse the changes and the contributing factors; and (iii) assess specifically the contribution of the APT.

The present case study therefore analyses four types of recent preventive measures related to Carabineros taken by different actors in Chile:

1. institutional changes within the Carabineros to integrate human rights
2. human rights training of the Carabineros
3. pilot project on access to lawyers (public defenders) in police units, and
4. the monitoring of police custody by the National Preventive Mechanism (NPM)

The initial objective of evaluating the impact of these respective measures - impact being defined as all the effects, positive or negative, produced by an intervention, directly or indirectly, intended or not intended – was too ambitious under this consultancy. Evidencing causality and attributing the effects to any particular intervention would have required a focus on one measure only as well as the existence of a proper baseline, which was not the case.

In addition, access to quantitative data was limited. Different reports and interviewees mentioned a reduction in the number of complaints of torture,<sup>6</sup> but this could not be corroborated by other sources. On the contrary, one interviewee mentioned a stable number and quality of complaints against Carabineros in 2024, compared to 2018. Furthermore, numbers of complaints do not represent a reliable indicator of the reality of torture and ill-treatment as a decrease may be due to other factors such as fear of reprisals, while an increase may be the result of increased transparency, accessibility and trust in complaints mechanisms.

The methodology was therefore mainly qualitative, combining desk research with interviews. 25 semi-structured interviews were conducted with different stakeholders. The number of interviews with Carabineros was not as high as planned. Contacts were made through the NPM, that was in a transition period following the departure of two experts and very busy preparing joint activities with the APT. The number of interviews with public defenders was also more limited than desired, notably due to the closure of the pilot project on access to a lawyer.

The case study is divided into three main parts. Part I provides an overview of the social and legal context in Chile, while Part II analyses the four different preventive measures and Part III looks at the role of APT.

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<sup>6</sup> See, for example, the upcoming publication by the National Preventive Mechanism on Good Practices of torture prevention in police units. The chapter by the Technical Monitoring Section entitled 'Model of prevention and monitoring of human rights standards in Carabineros', refers to a drastic decrease of complaints for mistreatment or unnecessary violence from 350 to 71 cases between 2019 and 2023. During the research, several interviewees mentioned that the pilot project on access to public defenders in police units has contributed to such a reduction of complaints.

# Part I - Context

## Social Uprising (*Estallido social*)

The social uprising (*estallido social*) refers to a period of mass demonstrations and riots taking place in Chile between October 2019 and March 2020. It originated in Santiago with students demonstrating against the increase in Santiago Metro's subway fare. The night of 18 to 19 October is considered as the starting date with several violent clashes between students and Carabineros in underground stations. On 19 October, the Government declared a state of emergency and curfew that were eventually lifted on 28 October 2019.

The unrest soon spread to the whole country and expanded to broader socio-economic issues -such as inequality, poverty crisis, costs of living, and the privatisation of water - prevalent in the country. The population asked for a profound reform of the economic system and of the Constitution, both inherited from the Pinochet regime. On 25 October 2019, two million protestors were in the street out of a population of 19 million (1 million in Santiago and 1 million in other cities). The police responded with excessive use of force, using water cannons, tear gas and rubber pellets that left many injured (notably, eye injuries). The police also conducted thousands of arrests of demonstrators and cases of torture and ill-treatment in detention were reported. Violence was also used by demonstrators, including incidents of setting fires to vehicles and buildings as well as looting. In its report of 13 December 2019, the Regional Office for South America of the High Commissioner for Human Rights based in Santiago documented 350 cases of eye injury, 133 cases of torture and beatings and 24 cases of sexual violence.<sup>7</sup> Demonstrations continued but diminished until March 2020 and eventually stopped with the Covid 19 pandemic and the confinement measures.

## The Carabineros of Chile – a decade of crises

The Carabineros were created in 1927.<sup>8</sup> It is a large institution in scope and geographical coverage, with 65,000 Carabineros present in all municipalities of the territory. It is headed by a Director General<sup>9</sup> and a Sub Director-General, with the national headquarter in the capital and 16 Regional headquarters. Although Carabineros is a police service, it possesses certain characteristics of the armed forces. For example, Article 101.3 of the Constitution specifies that they 'are essentially obedient and not deliberative' and are in addition 'professional, hierarchical and disciplined'.<sup>10</sup>

The Carabineros' mission is 'to give effectiveness to the law, to guarantee order and public security throughout the national territory, with emphasis on prevention'. Its vision is to 'respond to the demands of order and security of the community, in a manner that is highly effective, professional, collaborative, transparent and respectful of human rights'.<sup>11</sup>

The Carabineros used to enjoy a very positive perception and high level of support by the public. As one interviewee said, they were considered as the best police force in Latin America. However, in 2018, a series of public scandals involving the Carabineros severely damaged the reputation and public trust in the institution and had consequences at the highest level.

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<sup>7</sup> [OHCHR Report on the Mission to Chile 30 October -22 November 2019.](#)

<sup>8</sup>Article 101 of the Chilean Constitution: 'Forces of Order and Public Security are integrated solely by Carabineros and Investigation Police. They compose the public force and exist to enforce the law, guarantee public order and internal public security, in the manner determined by their respective constitutional organic laws. They are dependent of the Ministry in charge of Public Security.

<sup>9</sup> Marcelo Araya Zapata since September 2024.

<sup>10</sup> Article 101.3 of the Political Constitution of the Republic of Chile. Also see Article 1 of Law 18,961 of 1990, the Constitutional Organic Law of the Chilean Carabineros.

<sup>11</sup> For the vision and mission see [www.Carabineros.cl](http://www.Carabineros.cl)



The 2019 social uprising accentuated the legitimacy crisis of the Carabineros. According to the 2022 National Survey on human rights conducted by the National Human Rights Institution (NHRI), the Carabineros are perceived as the institution in Chile that violates the most human rights.<sup>12</sup> Thousands of cases have been filed against Carabineros for torture and ill-treatment during the social uprising. As an illustration, the NHRI filed 3,233 complaints for violations between 17 October 2019 and 18 March 2020 (among others 2,306 for ill-treatment and 563 for torture). Only 42 of these cases have resulted in a conviction.

Given the difficulty in obtaining justice and the five-year statute of limitations for the crime of illegitimate coercion, other strategies to address the responsibility of the higher chain of command have been pursued. On 17 October 2024, after a long and difficult procedure, the then Director General of the Carabineros together with two other Generals, were charged with the crime of 'illegitimate coercion by omission' resulting in serious injuries and homicide during the social uprising ('delito omisivo de apremios ilegítimos').

## Key national legal developments in the field of torture prevention

Chile was the first country in Latin America to reform its criminal justice system and move from an inquisitorial to an adversarial system (1997-2001). The profound reform of the criminal procedure, with the creation of new institutions such as the National Prosecution services, Procedural Guarantee Judge to check the legality of detention and implementation of safeguards, and the Public Defender's Office (Defensa Penal Pública- a free legal aid service) reportedly contributed to a 'significant decrease in the practice of torture'.<sup>13</sup>

The new Criminal Procedure Code in the year 2000 also introduced a series of fundamental safeguards in the first hours of detention, such as presentation to a judge within 24 hours for a control of detention hearing, protection against self-incrimination, exclusion of evidence obtained by coercion and access to a lawyer.

## Criminalisation of torture

In November 2016, the adoption of Act 20.968, made torture a specific crime by introducing new articles into the Criminal Code. The law defines torture in Article 150 A, largely on the basis of the definition of Article 1 Convention Against Torture (UNCAT) and the Inter-American Convention to Prevent and Punish Torture.<sup>14</sup> The legislation foresees a continuum and a graduation from torture, with the highest stigma, to illegitimate coercion ('apremios ilegítimos') until 'unjust humiliation' foreseen in Article 255 of the Criminal Code. Illegitimate coercion covers other cruel, inhuman or degrading acts or omissions that do not reach the level of gravity of torture (Art. 150 D, E, F).<sup>15</sup>

The jurisprudence based on these new provisions is growing, especially following the social unrest. However, despite the number of cases alleging torture, there are only six convictions for torture so far in which the INDH has exercised its legal mandate as a complainant in those cases. Courts have applied a strict definition of torture, reserving it to the most serious cases, and have applied the crime of 'illegitimate coercion' in the majority of cases.<sup>16</sup>

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<sup>12</sup> [Encuesta Nacional de Derechos Humanos 2022 – Instituto Nacional de Derechos Humanos](#), based on 7'264 face to face interviews.

<sup>13</sup> Ministerio de Justicia de Chile 'A 10 años de la reforma procesal penal: los desafíos del nuevo sistema (2010), p. 90 quoted in Richard Carver and Lisa Handley 'Does torture prevention work?', p. 162

<sup>14</sup> In its 2018 review of Chile, the UN Committee Against Torture (CAT) recommended to revise the definition of torture to include acts of torture against third parties, review the penalties and withdraw the statute of limitations CAT/C/CHL/CO/6, para 11. The Special Rapporteur on Torture also formulates a similar recommendation in her report on the 2023 visit to Chile A/HRC/58/55/Add.1, para 24.

<sup>15</sup> The terms 'of gravity' have been added in 2023 with the Act Naín-Retamal (see below p.8)

<sup>16</sup> Jurisprudencia destacada del INDH – sentencias condenatorias por tortura y otros malos tratos, Instituto Nacional de Derechos Humanos, 2022.

## Establishment of the National Preventive Mechanism (NPM)

Chile ratified the UN Optional Protocol to the Convention against torture and other Cruel, Inhuman and Degrading Treatment (OPCAT) on 12 December 2008 and notified the UN Subcommittee for the Prevention of Torture (SPT) that it would designate the future NHRI as the National Preventive Mechanism (NPM). The Government of Chile created the NHRI in 2009, and it became operational in 2010. It played a key role during the 2019 social uprising in monitoring the demonstrations, visiting police units and supporting victims of state violence with the filing of complaints.

It was however not until January 2019 that the NHRI was officially designated as the NPM.<sup>17</sup> The NPM has a mandate to regularly visit all places where persons are deprived of liberty, make reports and recommendations to the authorities and enter into dialogue on their implementation.

The NPM is administratively attached to the NHRI but is functionally autonomous, led by its Committee of 7 experts, with dedicated staff (20 analysts and administrative staff), its own budget under the NHRI budget and its own premises.

The NPM work is divided into seven thematic area, each led by one of the experts. The expert leading on the Area on Police Work ended his mandate end of September together with 2 other experts. The team working in the Area on Police Work is composed of 2 analysts.

## International momentum

At the international level, Chile is one of the six core State of the Convention against Torture Initiative (CTI),<sup>18</sup> which shows its commitment to torture prohibition and prevention. A CTI Regional Seminar was organised jointly with APT in Santiago in 2017 on the criminalization of torture.<sup>19</sup> And in October 2025, a regional CTI workshop was held on safeguards in the first moments of detention in Chile.

Chile is under review by several UN human rights bodies. At the Human Rights Council, Chile went through its 4<sup>th</sup> Universal Periodic Review in 2024 and received numerous recommendations regarding police training and impunity following the 2019 social unrest. In October 2023, Chile received a visit by the UN Special Rapporteur on Torture. The visit report mentions 'a robust human rights architecture' and includes recommendations on use of force in law enforcement.<sup>20</sup> A non-official visit by the Special Rapporteur on Freedom of Assembly took place in 2024 and was an opportunity to discuss some of the issues related to maintenance of public order. Chile submitted its seventh periodic report to the CAT in November 2022 and the review is expected to take place in November 2025 or April 2026.

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<sup>17</sup> Law 21.154 designating the national Human Rights Institution as NPM, adopted in January 2019 and published in the Official Gazette on 25 April 2019. See APT OPCAT Database

<sup>18</sup> See : <https://cti2024.org/>

<sup>19</sup> [CTI, Latin America and Caribbean discuss torture prevention at CTI event in Chile./](#)

<sup>20</sup> A/HRC/58/55/Add.1

# Part II – Analysis of Preventive Measures

This part analyses four different preventive measures: (i) institutional changes within the Carabineros to integrate human rights; (ii) human rights training within the Carabineros; (iii) the pilot project on access to public defenders in police units; and (iv) monitoring of Carabineros by the NPM. For each measure, advances, challenges and ways forward are identified.

## 1. Institutional changes within the Carabineros to integrate human rights

The process of reform and institutional changes aimed at better integrating human rights within the Carabineros started already in 2011, with the creation of the Human Rights Department.<sup>21</sup> The signature in January 2012 of a technical collaboration agreement with the International Committee of the Red Cross (ICRC) represented another milestone, both for institutional legitimacy and for delivering specialized training. In 2018 Carabineros took measures to strengthen human rights and regulate the use of force. However, the social unrest and excessive use of force by the Carabineros showed the need to go further to more profoundly reform the institution.

### 1.1 Human rights integrated into the organisational structure

In 2019, the Human Rights Department was elevated to a Directorate of Human Rights and Family Protection. In addition, in January 2019 two pilot regional sections were opened, one in the North (Antofagasta) and one in the South (Temuco). In 2020, regional sections were opened in all regions.

In 2021, a new Technical Monitoring Section was created with a mandate to conduct inspection visits to police stations. The visits are conducted by the regional sections in the regions and by the Headquarters section in the Metropolitan region. The inspection methodology has been discussed with the NPM on the basis of initial joint visits and working meetings. By the end of 2023, the Section had conducted 586 technical visits in all regions.<sup>22</sup>

### 1.2 Adoption of internal protocols and circulars to regulate the use of force

In 2013, the Human Rights Department issued the first general circular on the use of force to operationalize human rights standards. This was complemented by protocols for the maintenance of public order (2014) and protocols on preventive and investigative functions (2016). A first Manual on Police Intervention Techniques was also developed in 2017. The 2018 legitimacy crisis led to the adoption in March 2019 of a series of protocols to regulate the maintenance of public order and the use of force, that were revised following the social uprising.

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<sup>21</sup> General Order No. 2.038

<sup>22</sup> See the chapter by the Technical Monitoring Section in the upcoming NPM publication on Good Practices regarding Torture Prevention in Police Units, p. 157.

Firstly, on 1 March 2019, Protocol 2365 on Maintenance of Public Order was adopted. It provides for gradual and differentiated use of force (ranging from dialogue and accompaniment for lawful demonstrations to containment, deterrence, clearance, dispersal and detention in case of unlawful demonstrations). A new Order 2.870 on Maintenance and Restoration of Public Order, was adopted on 8 September 2021, that complements this Protocol. It clarifies that demonstrators do not form a homogenous group and prohibits mass arrests. In addition, it mentions the role of human rights observers, such as representatives from the NHRI.

In addition, Circular 1832 on the Use of Force, adopted on 1 March 2019, clarifies fundamental principles on the use of force (necessity, legality, proportionality and responsibility). Force can be used when other non-violent means have failed to address the situation, in a differentiated and gradual way with five levels depending on the reaction of the person (1. cooperation, 2. passive resistance, 3. active resistance, 4. active aggression, 5. active aggression, potentially lethal). The circular was revised in July 2020.

Due to the many injuries documented during the social uprising, internal protocols regarding the use of “less lethal weapons” have also been reviewed. In November 2019, the Director General limited the use of riot shotguns to the situation of defence of oneself or of other person or for the protection of private or public buildings. In November 2019, the use of rubber pellets, was also suspended due to their composition.<sup>23</sup> In July 2020, Order 2780 on the use of riot shotguns formally clarifies and further limits the conditions and modalities for their use: only as a defensive means in the case of active aggression (level 4) or active aggression potentially lethal (level 5); no shooting in the upper body part, minimum distance, as well as compulsory video recording.

The adoption of these clear internal procedures was necessary but insufficient. The Protocols adopted in March 2019 did not prevent the excessive use of force by Carabineros during the social uprising in October. Protocols need to be accompanied by dissemination measures as well as training, including practical operational training. In addition, the structure and language used in protocols and circulars remains complex. More simple language would facilitate their implementation. Finally, the consecutive revisions of protocols, that remain simultaneously applicable, create confusion and possibly lack of overall coherence.

Ways forward could include moving from internal regulation to proper legislation. A draft bill on the use of force has been pending in Congress since 2023. However, the 2023 Act to strengthen and safeguard police functions, known as Naín-Retamal Act (Act 21.560) represents a step backwards<sup>24</sup> by providing privileged protection for State agents including on use of force. It establishes a presumption of legitimate self-defence in case of use of arms or force, when there are threats or risks against physical integrity of the agent or a third person. In addition, it also amends the definition of ill-treatment under Article 150 D including by removing aggravating circumstances of being in the police. The UN Human Rights Committee has recommended removing the presumption of legality and reviewing this Act to ensure its consistency with international human rights standards.<sup>25</sup>

### **1.3 Steps towards broader institutional reform**

In addition to institutional changes and the adoption of operating protocols, more profound institutional reform of the Carabineros has been under discussion for several years.<sup>26</sup> Since March 2022, it was launched a process of ‘Refoundation of Carabineros’, based on following five core principles: subordination to civilian authority; police efficacy; focus on gender; focus

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<sup>23</sup> A study by the Faculty of Mechanical Engineering of the University of Chile demonstrated that rubber pellets contained lead.

<sup>24</sup> The Act was adopted following a very politicised debate after two Carabineros who were killed on duty (Eugenio Naín and Carlos Retamal).

<sup>25</sup> Human Rights Committee, Concluding Observations on the seventh Periodic report of Chile, 1 May 2024, CCPR/C/CHL/CO/7, Para 28 g)

<sup>26</sup> See [INDH Annual report 2019](#), recommendation 2.1

on human rights and transparency. As the months went by, the discourse shifted away from “Refoundation” and the position was moderated, instead arguing that the Institution requires a Reform.

An interinstitutional Reform Committee led by the Ministry of the Interior was set up but has never really started its work. The Consultative Unit for the Reform (UCR), composed of 20 experts from academia and civil society, is now the main body involved in the reform process and meets monthly. Its nature and role however still lack clarity as it is informed, rather than consulted, on measures taken and legislative projects.

The adoption on 10 February 2022 of Act 21.427 represents a first step in the process of reform. According to its title, it ‘Modernises institutional management and strengthens probity, transparency in law enforcement and public security’. It modifies the 1990 Constitutional Organic Law of the Carabineros (Act 18.961) and establishes a clear Human Rights framework.<sup>27</sup> In line with proposals for police reform, the Act places the Carabineros under increased civilian control and requests them to present a pluriannual Strategic Plan of Police Development and an annual operational plan, among others.

Under the Carabineros’ Strategic Plan 2022-2028, one of the 4 strategic objectives is institutional legitimacy, thanks to professionalism. Respect for human rights is included in the vision and transversally integrated in all programmes. This Strategic Plan provides an ambitious vision for the ‘Carabineros of the Century’ and is a first positive step towards effective structural reform. It still requires to be translated into practice at the different levels of the institution.

## **1.4 Conclusions on institutional changes within the Carabineros**

### **a) Advances**

Efforts to integrate human rights in the work of Carabineros have taken multiple forms. The elevation of the Human Rights Department into a Directorate is a positive development that gives importance of human rights in the institution. The Carabineros also adopted crucial internal protocols to regulate the use of force, especially in the maintenance of public order. These internal protocols, by themselves, have not contributed to reducing cases of excessive use of force. The launch of a more structural reform process to raise the professionalism of the Carabineros is very positive and has informed some legislative developments but seems to lack the means to fulfil its ambition.

### **b) Challenges**

Mainstreaming human rights as a cross-cutting issue throughout all aspects of police work remains a challenge, as it is necessary to incorporate practical educational methodologies in order to translate theory into procedures. The process towards more profound reform seems however stalled and would require strong institutional and political leadership that seems lacking. An emphasis and priority given to security issues, in response to the increased presence of organised crime groups and more violent forms of criminality, poses an additional threat to the reform agenda. A strong and human rights- compliant institution is even more needed in the face of such security issues.

### **c) Ways forward**

Institutional efforts are genuine, positive and going in the right direction. The Human Rights Directorate needs to be supported in driving the changes and achieving more transversal integration in all areas of work of the Carabineros. The need for a more profound and structural reform has been identified but remains embryonic. The reform can also build on the

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<sup>27</sup> ‘In the exercise of their duties, Carabineros personnel shall respect, protect and guarantee, without arbitrary discrimination, the human rights and freedoms recognised by the Political Constitution of the Republic, the laws and international treaties ratified by Chile and in force.’ Article 2 of Act 21.427.

opportunities represented by a generational change. In recent years, many high-level officials have left the institution and a younger generation with a stronger commitment to human rights is now reaching the middle and higher management levels. Investing in this new generation could help in changing the institutional culture to move towards a more professional, transparent and accountable institution.

## 2. Human Rights Training of the Carabineros

The 2022-2028 Strategic Plan of 'Carabineros of the Century' also puts an emphasis on education, initial and ongoing training and increased professionalism. The Human Rights Directorate is leading ongoing training that involves training of trainers to implement an ambitious national programme on human rights. Other actors are also invited to contribute to human rights training.

### 2.1 Initial training

Initial training is led by the Directorate of Education, Doctrine and History in specialised academies. Officials attend the School for Carabineros for an academic programme of 8 Semesters. Sub-officials attend Carabineros Training School for a training of 4 Semesters, including 1 year of practice.

The training curricula show that excessive time is devoted to the instruction of military protocols and ceremony to the detriment of the development of key police competencies for the respect of human rights in police work.<sup>28</sup> This is particularly critical in training on the use of force, where an emphasis on technical-procedural aspects persists over the development of capacities for ethical decision-making in complex scenarios such as crowd control.<sup>29</sup> According to experts, specialized training programs, such as the Crowd Control Police Course, privilege a reactive approach of containment over the development of preventive and dissuasive competencies, as well as risks and ethical dilemmas associated with the use of "less lethal" weapons. Finally, the teaching of human rights remains predominantly theoretical rather than based on operational implementation of protocols and principles such as necessity and proportionality.

### 2.2 Training of Human Rights Trainers

The Directorate of Human Rights and Family Protection is leading a training of trainers (ToT) programme that is developing in scope and in numbers. Entitled 'Trainers' Course on Human Rights Applied to Police Work', the programme started in 2012 following the agreement with the ICRC (Regional Delegation based in Brazil). The course was initially for a duration of 2 weeks, led by ICRC trainers and experts. Since 2016, Carabineros are solely responsible for conducting and managing the course, with ICRC approving the curriculum and delivering one class at the beginning. The agreement is renewed every 2 years (in 2024 until 2026) but the ICRC is starting an exit strategy. The ICRC is about to complete an evaluation that is however not evaluating the impact of the ToT programme.

The course combines theoretical and practical training. It is now conducted over 4 weeks (160 hours) with an increase to 5 weeks in 2025. It was initially one annual course but increased to two courses per year in 2017. It aims at providing trainers with the necessary knowledge and skills to plan and implement the National Training Programme on Human Rights and Police Intervention Techniques. The NPM, as well as the NHRI and OHCHR Office are participating

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<sup>28</sup> Carabineros de Chile, 2024, Plan estratégico de Desarrollo Policial 2021-2028.

<sup>29</sup> Instituto Nacional de Derechos Humanos (INDH) 2018 Informe anual sobre la situación de derechos humanos en Chile. INDH Estudio sobre formación policial y derechos humanos, 2021.



in this training (a class on prevention of torture is featured under the Module on Vulnerable groups).

The learning objectives have been reformulated in 2024 to include interculturality and groups in situation of vulnerability. The course is composed of 5 modules: 1) HR applicable to police work, 2) HR and vulnerable groups, 3). control of persons, 4) control of vehicles, and 5) entry to closed places. The curriculum includes theoretical lessons as well as simulations, role plays and case studies, especially for modules 3 to 5. At the end of the course there is an evaluation of the participants (both theoretical and practical), and the successful completion of the course is included in participants' CV.

**Table: Number of participants in the Training of Trainers Course (slide from Human Rights Directorate)**

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
15	16	30	30	15	47	43	44	-	46	61	83	77

A total of 507 active trainers (135 female) within the Carabineros, in all regions (225 in the Metropolitan region and 282 in the regions), can now deliver the National Training Programme. They are both officials and sub-officials - many of them involved in police operational work.

## 2.3 National Training Programme on Human Rights and Police Intervention Techniques

Human Rights trainers who have completed the Trainers' course implement the National Training Programme in their respective region. The programme is over one-week (5 days; 48 hours) aimed at all levels within the Carabineros from second lieutenant to colonel, with a majority of participants being captains.

The organisation of the course is left to each regional headquarters, for the logistics, the planning and implementation of the programme.<sup>30</sup> The content of the programme is however standardised to ensure coherence in the training delivered by the different trainers in their respective regions. External experts from the regional NHRI section and the regional Public Defender's office may be invited to participate and deliver a session. 7'461 Carabineros were trained in 2024. According to the report submitted by Chile to the Committee Against Torture in 2022, 53,417 Carabineros had been trained under the National Programme at that time.<sup>31</sup>

## 2.4 Other ongoing trainings

Permanent training is also part of the Strategic Plan of the Carabineros and there is an openness to trainings conducted by different institutions. In 2022, the ICRC started an additional annual specialised course on Crisis Management for trained instructors (2 weeks, 40h, 80 instructors trained). Some participants also took part in an ICRC regional seminar in Brazil on Differentiated Use of Force, in September 2024. In 2025, the ICRC will conduct a more advanced course on Crisis management for 40 instructors chosen from the participants in the initial training.

The NPM also organised specialised seminars and webinars on torture prevention in 2022 and 2023, together with the Technical Monitoring Section (a total of 1,711 officials trained). The Carabineros have also signed an agreement with the Public Defender's Office that is conducting weekly training sessions with the Carabineros (mainly in the capital) on different

<sup>30</sup> For example, in the region of Valparaíso, divided into 6 prefectures, 30 courses were conducted in 2024, with a training course is organised every 2 months in each Prefecture (3 courses in 3 prefectures per month). The course is delivered by 3 trainers, for 20 participants.

<sup>31</sup> Chile report to CAT

legal issues, based on concrete examples and meant to be interactive. Likewise, in 2024, an agreement was signed with the University of Chile so that this public institution may contribute to the training of personnel, particularly on human rights–related topics.<sup>32</sup>

## 2.5 Conclusions on human rights training of the Carabineros

### a) Advances

The efforts made to incorporate human rights into Carabineros' training programmes, both in initial and ongoing education, have led to increased awareness of human rights. Quantitatively, the National Programme on Human Rights, led by the Human Rights Directorate with the support of the ICRC has familiarized thousands of Carabineros with human rights principles. The different training programmes also show a positive cooperation and openness with other actors, such as the National Human Rights Institution, the Public Defender's Office and the NPM, that are important for building understanding and mutual trust.

### b) Challenges

Despite the inclusion of some practical lessons, human rights training remains mainly theoretical, and more effort is needed for practical and operational training. The Human Rights Directorate needs to work more closely with the Directorate of Education to ensure a comprehensive and transversal approach to human rights training. Moreover, the persistence of a militarized organizational culture and the emphasis on obedience and discipline may hinder the development of autonomous professional competencies aligned with human rights principles.

### c) Ways forward

There is a need for better integration of human rights into other trainings and not just as a stand-alone topic. This could mean integrating human rights principles, such as proportionality, into operational training on arrest or use of force. The potential to integrate recent tools (with the support of the NPM and/or the APT) could be explored - such as the [Principles on Effective Interviewing for Investigations and Information Gathering](#) ('Mendez Principles') and the UN Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests (31 January 2024). In addition, considering the scope and length of the ToT programme and the related National Programme, an impact evaluation would help assessing whether the courses have contributed to increased respect for human rights in practice.

## Potential for implementation of the Méndez Principles

Under the new Criminal Procedure Code, the Carabineros conduct investigations under the Public Prosecutor's Office. Interviews or statements should be taken by Carabineros only under the responsibility of the prosecutor. In practice, however, there are cases of informal talks by Carabineros during the initial 24 hours of police custody that can lead to confessions and 'voluntary statements'.

The 2018 Act to protect juveniles who are victims of sexual violence introduces good practices that could be built upon such as investigative interviewing and compulsory video recording (including a centre for videorecording). The initial introduction of the Méndez Principles by the APT and NPM in December 2024 raised interest among Carabineros and Investigation Police (PDI). There is an opportunity for the APT to further engage with the Carabineros and PDI to integrate the implementation of the Méndez Principles as part of the ongoing reform processes. The Special Rapporteur on Torture also recommends 'adopting the [...] Méndez Principles as

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<sup>32</sup> See : <https://uchile.cl/noticias/221799/facultad-da-inicio-a-programa-de-formacion-para-200-carabineros>



part of the standard operating procedures of law enforcement and to put a system of electronic recording of police interviews in place'.<sup>33</sup>

### 3. Pilot project on access to lawyers (public defenders) in police units

#### 3.1 Description of the pilot project

During the social uprising, and to respond to the high number of arrests and detention and cases of violence, public defenders across the country started to spontaneously enter police units and be more present from the first moment of detention. These were exceptional circumstances, both in terms of the number of persons detained and the profile of persons held in police custody.

Following the social uprising, the Public Criminal Defence Service decided to start a pilot project entitled 'Model for the Defence of Accused Persons Detained in Police Units', aimed at ensuring early access to lawyers in the first hours of police custody. The pilot project was funded by Eurosocal and started as a pilot project in 6 regions of Chile (2 to 3 police stations in each region, see Annex 1). The selection of the region and of police stations was based on prior experience (in Maule, access to a lawyer existed since 2017) as well as the criteria of a high number of persons in police custody and presence of lawyers.

The project was based on an on-duty system of public defenders, with daily presence in police stations, usually in the evening. Lawyers visited the police station, conducted interviews with detained persons, checked the health and detention conditions, and any situation of vulnerability or specific needs. The same public defender then represented the detained person, the next day, during the control of detention hearing. A standard interview form was developed and later a possibility to submit the information electronically. In some regions, a communication system was put in place for the Carabineros to inform public defenders when persons were held in custody. The Model also covered persons detained by Investigation Police, but to a lesser extent. During the pilot phase (July -December 2021), 5,300 detained persons were interviewed in 17 police stations in the 6 regions (see Annex 1).

#### 3.2 Evaluation of the project

The pilot project was subject to an internal evaluation based on reports by the 6 regional public defender's services involved and was considered as highly positive on different levels. First, 'all the projects report a decrease in complaints for ill-treatment by detained persons. (...) In some ways, the daily presence of the public defender in the police unit is a sort of presential deterrent, preventing the temptation for police officers to mistreat detainees.'<sup>34</sup>

The evaluation of the project also shows important additional positive impact such as

- Improvements in material conditions of detention (including a meeting room for the interview between the lawyer and the detained person)
- Increased number of persons enjoying early release, even before the detention control hearing
- Access by lawyers to detention records thanks to their presence and the relation with the Carabineros
- Increased contacts with the relatives and community in general, that enabled access to relevant information
- Better relations with the Carabineros through improved mutual understanding of the respective roles; this has also led to training sessions

<sup>33</sup> A/HRC/58/55/Add.1, 24 December 2024, para 49.

<sup>34</sup> Final report on the project on early access to police units (internal evaluation), p.27

There is a recognition of the positive impact of the project by other actors. During the review of Chile by the UN Human Rights Committee, the Director of the Carabineros Human Rights Directorate publicly stated that there were almost no cases of torture in police stations applying the pilot scheme of access to lawyers.<sup>35</sup> In its 2023 annual report, the NPM recognised the positive impact of the project and recommended its transformation into a permanent public policy 'given its good results in reducing institutional violence, correcting police procedures and improving the efficiency of the defence of the accused'.<sup>36</sup>

However, ensuring a permanent daily presence is extremely demanding on public defenders who had to visit police stations late at night and attend the court hearing the next morning. The burden is especially high in regions with few public defenders. In addition, visits to remote police stations outside the regional capital remains challenging. Extending the pilot project and implementing a permanent programme in all regions was therefore not considered sustainable without additional human resources (estimated at 200 additional public defenders). The requested increase in budget was considerable and was not approved by the responsible Ministry. The project, as such, therefore, came to an end.

Visits of lawyers to police units nonetheless continues in three regions, at a lower scale. For example, in Antofagasta a monthly calendar of 'daily on-duty' public defenders is shared with the Carabineros. According to one interviewee, even if this is more symbolic, as visits are rare in practice, the fact that they could visit at any time has a deterrent effect. The list is also useful for the prosecutor or for the Carabineros to contact a public defender in case of need. In Maule and Arica, lawyers continue to pay visits and conduct interviews but on a random basis rather than daily (once a week). Finally, in all regions, public defenders conduct visits in police units on special occasions where the risk of arrest and detention is higher (e.g. on special anniversary date such as 18 October, or in the case of planned demonstrations).

### **3.3 Conclusions on the pilot project on access to lawyers in police units**

#### **a) Advances**

The pilot project has been key in demonstrating the positive impact of the presence of lawyers in the first 24 hours of police custody. The project is assessed by different stakeholders as having contributed to a reduction of cases of ill-treatment, of improving the relation between the Carabineros and the Public Defender's Office and overall improving the defense of accused persons. There is consensus of the added value of the presence of the lawyers and high commitment of public defenders themselves to continue on a lower scale. In addition, in the pilot regions, there have been some permanent improvements in terms of premises for interviews between lawyers and detained persons.

#### **b) Challenges**

Implementing a permanent daily presence of lawyers to interview persons in police custody is highly demanding in human resources, time and logistics. It would require a significant number of additional public defenders. The main challenge lies in the budget needed to implement the presence of lawyers on a permanent basis across the country.

#### **c) Ways forward**

The consensus around the positive results of the pilot project needs to be capitalised. It can form the basis for an advocacy campaign at the national, as well as international, levels to support the extension of the programme (for example the upcoming review by the CAT). In

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<sup>35</sup> Human Rights Committee Summary records, 13 March 2024, CCPR/C/SR4080, para. 37.

<sup>36</sup> Comité for the Prevention of torture (NPM), Third annual report 2023, Prevention of torture and situation of persons deprived of liberty, recommendation 52 addressed to the Ministry of Justice and Human Rights, to the Ministry of Finance and to the Congress, p.99.

parallel, the Model proposed could be reviewed based on the lessons learned from the pilot as well as from the current experiences. The presence of public defenders could be implemented in a more flexible way, with a system of ad hoc unannounced visits rather than daily presence. The existence of a monthly schedule of 'on-duty' public defenders could also contribute to a deterrent effect.

## 4. The monitoring of police custody by the NPM

### 4.1 Four years of monitoring work

The NPM started to be operational in 2020, during the Covid pandemic. The Area on Police Work is in charge of monitoring Carabineros. It has developed a strategic approach to its monitoring work. It began with in-depth preparatory work entailing a mapping of places, collection of data regarding numbers of arrests and the profile of persons detained, and the publication of a 2021 Diagnostic Report on Police Custody. Preparatory work also included awareness-raising activities with the police about the NPM's preventive mandate and methodology. The NPM developed monitoring tools (check lists) and a comprehensive visiting programme to police stations in all regions.

In addition, the NPM developed a comprehensive methodology for follow-up dialogue with the Carabineros. This includes a series of bilateral meetings between the head of the unit and the NPM. In the first meeting, the NPM presents its findings and recommendations (2 months after the visit), in the 4 following meetings, the units discuss and present the implementation of the recommendations in the short, medium and long term.

The strategy of the monitoring programme was to focus on material conditions, as a start, to build trust and dialogue with the police. The other issues covered include 'protective measures' (some safeguards), health, treatment of detainees and management of police personnel.

The three-year visiting programme covered 80 police stations in all regions. It culminated with a webinar co-organised with the police in March 2024, where police officers from units visited by the NPM shared good practices in implementing NPM recommendations. The webinar was attended by more than 2,000 carabineros from all regions of Chile.

APT was invited to give opening remarks and it then proposed to make a publication about this monitoring experience and good practices, to share with other NPMs in the region and worldwide. The publication presents the NPM methodology and strategies, as well as the Carabineros' experiences of these visits, with chapters from the Human Rights Directorate and examples of good practices, written in the first person, by heads of police units. The good practices are very diverse. They include painting and renovation of cells and sanitary facilities, standardised body search areas that are videorecorded, and a review of the on-duty planning scheme for personnel. The good practices are all characterized by the involvement of all staff of the police station in the implementation and therefore a high level of ownership. The publication, entitled *Monitoring Guide for the Prevention of Torture in Police Facilities*, was presented in July 2025 at an event attended by various law enforcement actors in the country.<sup>37</sup>

### 4.2 Conclusions on the NPM work on monitoring of police custody

#### a) Advances

In a short period of time (just 4 years), the NPM in general and the Police Work Area in particular, have managed to position themselves as a credible interlocutor with the Carabineros, including supporting the new internal Technical Monitoring Committee. The NPM,

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<sup>37</sup> See : <https://mnpt.cl/2025/07/30/cpt-presenta-guia-pionera-para-la-prevencion-de-la-tortura-en-recintos-policiales/>

with its constructive and strategic approach, has managed to increase independent unannounced oversight, contributing to a culture of external oversight. More importantly, it has contributed to improving the material conditions in many police units visited and in general to the improved treatment of detainees inside police units.

**b) Challenges**

The MNPT faces challenges in investing in a new collective identity and in strengthening its relationship with Carabineros, which will be key. The joint publication *Monitoring Guide for the Prevention of Torture in Police Facilities* will help preserve institutional memory regarding the MNPT's strategy and methodology. The role of analysts will also be fundamental. Finally, the relationship with the INDH remains a challenge, particularly due to the tension between the MNPT's functional autonomy and its administrative dependence on the Institute.

**c) Ways forward**

The initial monitoring programme enabled good cooperation and constructive dialogue between the NPM and the Carabineros. The NPM has identified the need to focus more attention on the implementation of safeguards and the use of force, including extra custodial use of force during arrest or transfer. The ongoing good cooperation with the Carabineros Human Rights Directorate can be used to review their initial and ongoing training, with an objective to promote a more practical and operational approach. This could include the promotion of the use of new international reference tools such as the Méndez Principles and the new Model Protocol on peaceful demonstrations. Externally, the NPM will also have to invest in developing relations with civil society actors and maintaining contacts with other key actors in torture prevention, such as public defenders and the judiciary.

## Part III – The role of the APT

The APT has been working in Chile for many years, including high level missions with meetings with the President Michelle Bachelet in 2008 and 2018, as well as the 2017 joint APT-CTI regional conference on the criminalisation of torture. The APT has not, however, been directly implementing torture prevention projects in Chile. Rather, it has been regularly advocating and supporting OPCAT implementation at a distance, mainly through accompanying the NPM, the provision of tools and supporting a good network of experts. Chile being a core State of CTI, APT is also cooperating with the Permanent Mission in Geneva through its support to CTI and with the Ministry of Foreign affairs for advocacy regarding torture prevention. With the APT's and NPM's recent joint work with the judiciary and with the police, and its identification of Chile as a priority country for work under its 2025-2028 Strategic Plan, the APT is also expanding its scope of work in the country.

### Supporting the establishment of the NPM

As mentioned above, the NPM establishment took more than 10 years from OPCAT ratification in 2008 to the 2019 adoption of the law designating the NHRI as NPM. The APT has supported this process throughout and commented on the draft law. Following the adoption of the law in 2019, the APT had several exchanges with the NHRI about the NPM establishment. After the appointment of the first four members, the APT initiated in September 2020 a project to support the initial starting phase with 8 online sessions – due to Covid – ranging from torture prevention to methodology of visits. Exchanges continued in 2021, with participation in meetings of the “Comité político-estratégico” (INDH Director, other members of the Board, NPM experts and Executive Secretary), as well as exchanges on the NPM statutes. Due to internal difficulties and the resignation of two members as well as delays in appointment of the other 3 members, this initial crucial phase was long and complicated. However, the role of APT as technical adviser and facilitator continued beyond this initial phase, with the new experts. The NPM developed its own working methods and methodology but consulted APT on specific, substantial issues. APT tools and resources also proved useful and NPM experts recognise that APT played a fundamental role in the establishment phase.

A more direct cooperation started culminating with a visit by APT to Chile in December 2022 where the APT accompanied an NPM visit to a police station and participated in a round table with the NPM, Carabineros and public defenders. Other activities and meetings during that visit were conducted by APT on its own, with the Public Defender's Office, academia, and Gendarmerie (penitentiary personnel). Since 2022, the NPM has grown and established solid working methods and is recognised as a credible body in the institutional landscape.

The APT has also been working with the NHRI throughout the period. The unique architecture of the Chilean NPM, being autonomous under a committee of experts but administratively attached, raises some institutional challenges. The combination of work at the technical but also the institutional levels within the Global Alliance of NHRIs (GANHRI) and the regional network of NHRIs remains essential to support effective NPM work.

### Empowering the NPM through peer exchanges

Beyond providing technical advice and support, the APT's added value has also been to accompany and support the Chilean NPM regionally and internationally (invitation to the GANHRI Conference and European NPM meeting in Copenhagen in November 2023; participation in the Latin American regional NPM meeting in Costa Rica in May 2024). The APT's role in facilitating peer exchanges contributes both to strengthening the NPM's skills and methods of work and to building a strong NPM community of practitioners. Ownership by the NPMs in Latin America is visible with the creation of the regional NPM Network, an initiative by the NPMs for the NPMs launched after the APT's 2024 regional conference.

## Positioning the NPM and bringing different actors together

As an international NGO, the APT plays a unique role of empowering the NPM nationally by providing additional legitimacy as well as institutional visibility. Joint activities, with different institutions, help strengthen the NPM's position as a key national actor on torture prevention. The proposal by the APT to support the NPM publication and translation of the 'Good practices for torture prevention in police units', is also an example of how joint work empowers the NPM and strengthens its institutional positioning.

During the December 2024 APT mission, all events were organised jointly with the NPM, building and reinforcing its network and opening doors to new actors and new issues (notably, with the Supreme Court). The two-day regional seminar on the role of judges in torture prevention from a gender perspective is particularly emblematic in this regard. First, it created links between the NPM and the judiciary; second it enabled reflection on the role of judges in torture prevention; third, it enabled dissemination and exchanges with the Interamerican system on gender perspectives. Finally, such a face-to-face regional seminar enabled the development of personal bonds and demonstrated the APT's convening power.

## Acting as a 'knowledge hub' on torture prevention

APT resources and tools are used by the different actors in Chile and have been recognised as offering useful practical guidance. (For example, the NPM's 2023 annual report includes elements of the APT's 'house of prevention'; the bibliography of the publication 'Good practices regarding Torture Prevention in Police Units' refers to 4 APT publications out of 8 mentioned). Having resources accessible online and in Spanish facilitates their use, independently of APT specific activities. In the case of the pilot project on Access to lawyers, the Public Defender's Office was inspired and used the APT's 2019 Publication 'Access to a lawyer in the first hours of police custody in Mexico – A situational analysis' as a reference tool to develop the pilot project. The APT 2013 Guide on Monitoring Police Custody has also been reviewed by the Human Rights Directorate of the Carabineros as it compiles international standards relevant for police work. APT manuals and guides have been used by the NPM as a reference but have then been adapted to its specific needs. The NPM is using regularly the APT Detention Focus Database.

## Sharing good practices

The APT plays a unique role in disseminating national good practices to other countries and other actors worldwide, thanks to its global network. Supporting the publication of the report on 'Good practices on torture prevention in police units' and its translation enables to share the NPM strategy and methodology, as well as the implementation of recommendation by NPMs, at the regional and international levels. The APT has also published blogs by the Chilean NPM and national experts.

## CONCLUSION

The case study shows a complex picture in terms of torture prevention in Chile. In the consultant's view, it would be too optimistic to join the Special Rapporteur on Torture's conclusion that 'Chile's efforts have significantly increased standards of professional conduct and reduced the use of torture and other forms of ill-treatment'.<sup>38</sup>

However, there are some positive advances, more in attitudes than in practice and the 'most significant changes' mentioned by several interviewees are the following:

- Within the Carabineros, the elevation of the Human Rights Department into a Directorate gives a strong signal about the institutional importance of human rights.

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<sup>38</sup> Press release at the end of the Special Rapporteur visit to Chile, October 2023.



The work conducted by the Directorate in terms of training programmes on human rights and the development of internal protocols has been mentioned as positive.

- There has been a shift in the narrative, but also in the perception of human rights, by the Carabineros. Human rights are less considered as an obstacle to their work or as 'supporting the criminals' and more considered as an integral part of their work. How much this is shared by all Carabineros at all levels is difficult to assess, however. It may well be that this change has not reached the highest command or the lowest ranking officials.
- There is an openness by Carabineros to other actors, in particular the Public Defender's Office and the NHRI.
- The establishment of the NPM is an important new development. Its work, as well as its good cooperation with the Carabineros, also confirms the latter's openness.

On remaining issues, torture and ill-treatment still exist. According to the interviewees, the risks are higher during apprehension or arrest in the street, as well as during transfers, than during police custody.<sup>39</sup> The highest risk however would appear to be during protests or demonstrations, linked to the maintenance of public order by the Carabineros. The social uprising in 2019-2020 revealed a gap between the normative regulations and the excessive use of force in practice, which should be a priority to be addressed by torture prevention actors. The type of equipment, including 'less lethal' weapons, and the operational training on how to use them, is essential. In addition, freedom of peaceful assembly is still regulated by a 1983 Decree on Public Reunion (Decree 1.086), which should be revised to respond to the latest international standards.<sup>40</sup>

Finally, despite the criminalization of torture and the growing jurisprudence on illegitimate coercion, impunity remains an issue. The high number of complaints filed following the social uprising and the very small number of actual convictions contribute to mistrust in the justice system as well as in the institution of Carabineros. The prosecution against the higher command for illegitimate coercion by omission is an interesting development to monitor. There is also a rampant erroneous perception that torture in Chile was limited to the time of the military dictatorship.

For the Carabineros to regain trust and legitimacy, a profound structural reform is required. The need has been identified but reform remains embryonic.

There are opportunities for the APT to support these efforts as part of its new 2025-2028 Strategic Plan. This includes accompanying the NPM in its oversight of Carabineros as well as in its advocacy and capacity work, such as advocacy for implementation of the Méndez Principles. On the issue of use of force during protest, awareness raising is needed on the "Protocol Model for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Demonstrations" as well as the UN "Guidance on Less-Lethal Weapons in Law Enforcement". There may be opportunities to develop a project with the NPM and other actors on this issue.

There is a momentum to support the efforts and positive changes already made with a more profound cultural change within the institution. The 'Carabineros of the Century' can be part of a transparent and accountable institution, that is both protecting human rights and the security of Chilean society.

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<sup>39</sup> See also findings by the Special Rapporteur on Torture, A/HRC/58/55/Add.1, para 51. The NPM however mentioned a case of beatings in one of the police unit it had visited a few weeks earlier.

<sup>40</sup> See INDH Annual report 2023, chapter on Right to Peaceful Assembly.

# Annexes

## Annex 1: Overview of the pilot project on access to a lawyer

(based on information from the evaluation document)

Region/City	Units visited	Timing of visits	Nb interviews (1.7-31.12.2021)
<b>ARICA</b>	1st Comisaria 3rdComisaria (on occasion Comisaria of Chinchorro) (1 DPI barrack in Belen)	Everyday 11pm - 1am	516
<b>ANTOFOGASTA</b>	2nd Comisaria (63%) 3rd Comisaria (34%) (ocasionally others)	Everyday from 6pm	1529 (C2: on average 70 min; C3 on average 40 min)
<b>O'HIGGINS</b>	1st Comisaria de San Fernando	Everyday from 8pm	407 (average 20-25 min)
<b>MAULE /Talca</b>	3rd Comisaria 4thComisaria de Cancha ayada (when needed 1st1ª Comisaría DPI Barrack2 San Clemente, las Tenencias Abate Molina, La Florida, Talca Oriente y Carlos Trupp)	Call to the unit between 12h-15h. 1st visit 14h-18h 2nd visit 20h-24h	997
<b>MAULE / Curico</b>	1st comisaria (when needed 3rd Comisaría de Teno ; 4th Comisaría de Molina). DPI barrack		729
<b>LOS RIOS</b>	1a Comisaria Valdivia (ocasionalmente otras)	Monday to Friday 17:45-20:00	396 (average 40 min inside)
<b>METROPOLITANA SUR*</b>	14th y 62th Comisarías de Carabineros, San Bernardo 36th Comisaría, La Florida 50th Comisaría, San Joaquín. (Others occasionally)	In San Bernardo: 3pm-5pm In La Florida & 3pm-6pm	334
<b>METROPOLITANA NORD*</b>	3rd comisaria (33rd occasionally)	Everyday 7pm-9pm	402 (average 90 min inside)
<b>TOTAL</b>			<b>5'310</b>

\*Started on 01.08.2021



## Annex 2: Timeline on developments and regulations of Carabineros

	2018	2019	2020	2021	2022	2023	2024
			18.10.19-March Estallido social	2020			
<b>President</b>	Michelle Bachelet (until March)	Sebastian Piñera				Gabriel Boric	
<b>Director General of Carabineros</b>	Bruno Villalobos (until 12.3.2018) Hermes Soto (29.3-21.12.2018)	Mario Rosas (22.12.2018-18.11.2020)		Ricardo Yañez (19.11.2020-27.09.2024)			Marcelo Araya
<b>Internal regulation on use of force</b>	13.11.2018 Decree 1.364, On the Use of Force in Interventions for the Maintenance of Public Order	1.3.2019 - Order 2.365 Protocol on the Maintenance of Public Order -Circular 1.832 on the Use of Force (update)	19.11.2019 Protocol 2.8 on the use of riot shotguns  Suspension of the use of rubber pellets	14.7.2020 Order 2.780 updates protocol on the use of riot shotguns	8.9.2021 Order 2.870 Protocol on Maintenance and Restoration of Public Order (updates)		
<b>Legislation</b>					10.2.2022 Act 21.427 'Modernises institutional management and strengthens probity, transparency in law enforcement and public security'.	10.04.2023 Act 21.560 (Naín-Retamal Act) 'Modifies legal texts to strengthen and protect the exercise of the police functions'	

