

## **CHILE: CHALLENGING SOCIAL AND INSTITUTIONAL CHANGES**

### **Executive Summary**

The country has kept a high position in the Chapultepec Index. With a score of 82.06 points out of 100, Chile is only surpassed by Uruguay on for this release. Currently, Chile displays a general favorable climate for freedom of the press with low degrees of influence from the Legislative, Judicial and Executive environments. The result is also positive in the realms reviewed. It achieved the lowest score in realm C (violence and impunity). One issue to take into account is that the country is entering a constitutional debate that could have an impact in the future within the framework of the exercise of journalism.

### **Introduction**

The period under study (August 2020 - July 2021) was signposted by three fundamental processes in Chile. The first one being the coronavirus pandemic: In August 2020 the country was coming out of its first peak of cases; the second one occurred during the summer (January-February); and the third one in April 2021. Alongside, from January 2021, the country started a strong vaccination campaign that allowed better control over COVID-19 by mid-2021. However, the constitutional state of emergency, mobility restrictions, and curfews were in place throughout the whole period.

The second key aspect was the political and social process resulting from the social outburst in October 2019. The sociopolitical atmosphere remained permanently polarized while, in addition, the health crisis forced the postponement of the program agreed in November 2019 intended to manage the crisis through the discussion of a new Political Constitution. The elections to choose the members of the Constitutional Convention that would draft the Constitution were postponed by May 2021 (originally scheduled by 2020); thus, this Convention only began to hold in July. As a result of this change on deadlines, the constituent debate will end up overlapping with the presidential and parliamentary campaign for the November 2021 elections.

The third key factor was the recession resulting from the coronavirus pandemic that aggravated an economic situation that had already become fragile due to the October 2019 crisis. The economic downturn and its impact on advertising investment, as well as the impairment of distribution channels, essential for the print media (public transportation and newsstands), meant a hard blow to the media's finances, and translated into new layoffs and the reduction of resources for news output.

### **Results Analysis**

It is particularly relevant that Chile, according to the data collected by the Chapultepec Index 2021, has kept the leading position in the region in terms of freedom of the press, despite of the context of economic crisis, ongoing electoral processes, and uncertainty around the social and institutional changes that the country is undergoing. Although there still is criticism to the ownership model of mainstream media, there are no obstacles to the generation of new media in the country as proved by a series of digital initiatives that emerged during the pandemic, e.g., the emergence of two new television projects.

As in the 2020 release of this report, the crisis over press funding models continues to be a threat. Many newspaper projects have been affected by the overlapping of the economic crisis resulting from the pandemic and the severe decline in profits from advertising which have not been offset to the same extent by revenues from other sources. This has led to the disappearance of many of the country's magazines, affected regional media, and damaged the major daily newspapers which have reduced their number of pages, changed their publication formats, and cut back a large number of jobs.

Notwithstanding, the major concern for the exercise of journalism continues to be the violence in the context of demonstrations and in areas in the country where public security is constantly challenged by organized gangs. Concern also arises with regards to the attacks - orchestrated through social media- against press officials when they report or give opinions contrary to specific factions with extreme ideas.

## **Environments: Reporting in an atmosphere of short-and-long-term changes**

### **Legislative Environment**

The legislative environment was the one showing the greatest dynamism in Chile during the period surveyed by this Index. By the end of 2019, the country experienced social outbursts. The political solution found called for two major agreements, one in favor of peace, and the other of a new Constitution. The latter resulted in an institutional process whose program was postponed due to the effects of the COVID-19 pandemic.

The so-called "initial referendum", whereby citizens were to vote for or against changing the constitution, was originally scheduled by April 2020, but ended up taking place in October the same year. The result widely favored the "I approve" option that obtained 78.28% of the votes (Serval, 2020). During the same election, the mechanism of a Constitutional Convention was also chosen to draft the new highest law in the land.

The members of the Convention were elected in May 2021 under a gender parity system and with 17 seats reserved for indigenous peoples among a total of 155 members. The Convention was inaugurated on July 4, 2021 and will have nine months (extendable to 12) to present a draft of the new Political Constitution for the country. Within the study period of this report, the analysis of the fundamental issues had not yet begun, but some issues related to freedom of the press have appeared in the public debate.

One of these was the open debate on the possible mandatory affiliation in professional associations, which would grant such associations "ethical oversight" over their members (El

Líbero, 2021). There are also proposals by the Association of Journalists (Colegio de Periodistas) with the purpose of creating:

[...] a media system that guarantees the three communication sectors (private, public and community), and the access and equal distribution of airwaves, the right to internet as human right, the development of law and gender-compliant content, among other points (Radio Universidad de Chile, 2021).

For its part, the Chilean Media Federation (Federación de Medios de Chile) has also established some priorities. Its president, Juan Jaime Díaz, advocates for a Constitution "that respects the role of the media as a means to promote public debate, and as entities of social oversight over power, which involves the defense of editorial freedom against any interference". Díaz also calls for "the recognition of socially responsible media, but always based on self-regulation". Additionally, he demands for "stronger right for the access to public information, [...] the prohibition of any prior censorship, and a [...] thorough study on the presence of officials who penalize some media expressions" (Anda, 2020).

Another aspect related to the legislative environment has to do with the presence of public officials in the media, especially in morning TV shows. This has been a source of debate and even regulations. In March 2020, the Office of the Comptroller General of the Republic issued a ruling questioning the frequent appearances of mayors in these shows, considering that such programs would trivialize their status. The event served as context for the Ethics Commission of the House of Representatives, in December 2020, established penalties for congresspersons who fail to comply with their duties due to their participation in radio or television programs.

Finally, there was a specific event in connection with the presence of candidates in the media for elections in May 2020. Shifting the election date also resulted in changes over the electoral campaign terms, and also, over a provision that would restrict the participation of candidates in interviews. In this regard, the Media Federation (Federación de Medios de Comunicación) pointed out that "any provision that intends to restrict who attends the different shows or interviews, or the topics discussed therein, openly affects the media's editorial freedom" (La Tercera, 2021).

## **Judicial Environment**

With regards to the judicial environment - after a period of continuous demonstrations and protests where several media outlets were attacked and dozens of assaults cases against journalist were reported - within the period reviewed, this heated atmosphere subsided and, consequently, so did reports on aggressions and arbitrary detentions.

During the period under study, the most serious aggression suffered by press staff was the ambushing of two TVN channel journalists in the country's southern region where a critical situation of public order took place. The event resulted from the territorial demands by the indigenous communities, and also by the growing operation of gangs linked to drug trafficking. The incident concluded with a cameraman losing one eye as result of the shooting by unknown assailants.

Another issue of concern has been the tense relationship between some journalists and certain interest groups that use social media to express themselves. According to Juan Jaime Díaz, president of the Media Federation, "today, freedom of expression is being compromised by interest groups, sometimes circumstantial, who believe themselves as the owners of the truth and political correctness, (and) who, through bullying, threats, and retaliation, seek to silence ideas". The association has released statements condemning attacks against journalists (Anatel, 2021).

## **Executive Environment**

Finally, with respect to the executive environment, there have been no complaints concerning censorship or content control; restrictions on access to information, or freedom of publication by mainstream media during the period analyzed. Journalists have had special permission to work freely despite the restrictions imposed to counteract the pandemic as the job of informing was considered an essential service.

Nevertheless, some cases have brought controversy and even judicial inquiries. The most relevant being the report of alleged espionage by the Army against journalists investigating wrongdoings and corruption in the military. The report is in the hands of the Attorney General's Office and has even motivated special sessions at the Congress. Another event that occurred during the period under analysis was the conflict between the private channel La Red and the government, after the station revealed having received a phone call from an advisor to the presidency who complained on the way certain political content was being addressed during one of its shows.

Despite budget restrictions, in a year of presidential, parliamentary, municipal, regional, and constitutional elections, the media has played an active role in keeping people informed by organizing large numbers of debates and providing extensive coverage of the different electoral processes, including those organized without the supervision of the Electoral Service (Servicio Electoral)

## **Realm A: New channels contribute to free information flow**

In this aspect, Chile still leads the region with a score of 21.43 points, which is not only the highest among the countries reviewed, but also very close to the top set by the Index (23). Likewise, in both, the sub-realm "information flow" and "Citizens Free to Express Themselves", the scores achieved are very close to the top values with a very low influence by the environments.

Within the period under study, some trends previously observed at the former report have started to consolidate like the increase of spaces for citizen expression at mainstream media, and the emergence of new channels empowered by digital platforms, which are not subject to government regulations of any kind. In addition, social media are further becoming more relevant as sources of information. The downside of this phenomenon has been the occurrence of *funas* (a local form of public repudiation), the intimidation of journalists by extreme groups through social media, and the fast dissemination of fake news.

The press has tried to survive its own economic crisis resulting from both the pandemic contingency and the social crisis, and from moving from a revenue model largely based on advertising to one more focused in subscriptions. Something similar happens with television, being particularly prominent the improvement of the economic situation of the state-own channel TVN. During the pandemic, television stations teamed up to create an educational signal (*TV Educa Chile*). It was so successful that it will continue under TVN's bearing the name NTV. Additionally, during the period under study, Chile University (*Universidad de Chile*) began to transmit its own digital broadcast TV signal.

## **Realm B: Broad freedom to exercise journalism**

Chile is among the top three best rated countries for this realm (8.29 out of a top of 10 points). This can be regarded as a scenario of "full freedom of expression", according to the Index. Similar to last year's analysis, there are no cases of government measures over intellectual property or to protect news content from plagiarism and misuse (cases are regulated by relevant laws).

There have also not been any known restrictions on access to sources applied on any accredited media. However, it is worth mentioning the controversy occurred in March following a call from an advisor to the presidency of the republic who complained to the executive board of the channel La Red about the way it was addressing political topics. The situation resulted in the channel's decision to report the situation to the Inter-American Commission on Human Rights (*Cooperativa, 2021*).

Regarding the exercise of journalism, the area has continued to shrink due to the loss of jobs stemming from the media's financial crisis, which in some ways, contrasts with the emergence of new digital alternative channels. A diploma in journalism is not required to practice the profession, nor is a membership in the Association of Journalists mandatory; although there is an emerging debate within the constitutional convention proceedings concerning the possibility of mandatory membership in Associations like other professions.

## **Realm C: The main challenge during this year's index**

Similar to last year, Chile shows its lowest rates in this area by scoring only 28.78 out of a total 42 points. This encapsulates contrasting realities. On the one hand, the country shows a favorable score in the "Persecution" sub-realm (7.5 points out of a maximum of 7.5), an indication of lack of government intimidation against journalists and media outlets over speech deemed offensive against authorities or associated groups. Nevertheless, during the period inquired, an investigation into a case of alleged espionage by the Army against five press professionals and journalist Mauricio Weibel surfaced; the latter has been investigating corruption within the institution. (*Ciper Chile, 2021*). This issue has even been addressed in the Congress (*Cooperativa, 2021*).

Less positive are the scores in the "Violence" sub-realm (19.06 out of 21 points). This data can be associated to the protests that followed the social outburst of October 2019 which continued to occur – to a lesser extent - within the period surveyed. In this context, although

there are no official records, institutions such as the Observatory of Communication Rights (Observatorio del Derecho a la Comunicación) reported attacks and the arbitrary detention of journalists, and alerted, at the beginning of 2021, that the country was undergoing a "freedom of expression crisis" (Observatorio del Derecho a la Comunicación, 2021). This could explain the country's low score in the "Protection" sub-realm (0.79 out of 5).

There have also been particular violence outbursts in south of the country, in the context of a series of incidents of rural violence. According to authorities, these are linked both to territorial claims by the Mapuche communities, and to drug trafficking (La Tercera, 2021). In March, a team of journalists from the public television channel (TVN) suffered violent attacks while trying to interview Mapuche leader, Héctor Llaitul. Their vehicle was ambushed and cameraman Esteban Sánchez lost one of his eyes due to shots fired by unknown individuals (La Tercera, 2021). Although these attacks are not a daily occurrence, the investigations have not been able to determine accountability for these actions. This may explain the low score given by the experts in the sub-realm "Impunity" (1.43 out of 8.5 points).

## **Realm D: No major direct or indirect controls**

In this realm, Chile shares with Uruguay the highest score in the 2021 release of the Chapultepec Index, which stands for a scenario that could be considered as enjoying "full freedom of expression". According to the information gathered, this denotes the non-existence of direct or indirect controls over the exercise of journalism by the government and its different institutions and agencies.

During the period under review, there have been no shutdowns, expropriations, or confiscations of media outlets by government agencies. No licenses have been revoked on political grounds. Nor have there been records that could account to arbitrary and discriminatory criteria to privilege or undermine specific media outlets. In the same way, there are no open complaints about the application of indirect control over the media.

In spite of this context, in the public debate during the presidential campaign, there have been signs that raise concern in the Chilean media associations. For his government program, one of the pre-candidates suggested the idea of considering the expansion of government control over the media and even reviewing the licenses allocated to those outlets whose evaluation resulted poorly rated.

## **Conclusions**

With an index of 82.06 points out of 100, Chile not only reasserts itself as a country with full freedom of expression and the press, but also shows a slight improvement over the 80 points it scored in the previous edition. The results are mostly positive in three of the four realms reviewed by the experts.

The only realm raising red flags is C (Violence and impunity), where there is concern about the aggressions suffered by press professionals performing their duties in the context of the protests and demonstrations that occurred in the country since October 18, 2019; although,

it is an established fact that these happened less frequently and to a lesser extent during the period surveyed.

On the same note, special concern does arise regarding the challenging reporting conditions in urban and rural areas where public security conditions are weaker, such as in the so-called "southern macro zone" and in areas of the country where organized gangs operate. Concern is also expressed for the attacks - using social media - against journalists for voicing personal opinions or publishing controversial information.

Last year was marked by the restrictions officially issued to face the coronavirus pandemic. Although the economic impact has hit the media harshly, from the perspective of the need for having accurate information and the labeling of the exercise of journalism as essential, it served as a proof of the importance of having responsible media in the country.

Henceforth, mainstream media's economic crisis will continue being a relevant challenge as it will be keeping the quality of their news output in a context of fewer availability of resources. There are also challenges for editorial independence considering the need to create new business models that make the existence of professional media viable.

At the institutional level, a period of uncertainty is unfolding as how to deal with the social changes that the country is undergoing as they have diluted public confidence in mainstream media; and also as how the debates on freedom of expression and the press will be settled by means of the drafting of a new Constitution. These are two key elements to define whether the traits that place Chile in a privileged position in the region today will continue, improve, or, on the contrary, deteriorate.



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