

CHILE: NEWS AGENDA SET BY POLITICS

Executive Summary

Chile ranks No. 6 in the 2022 Chapultepec Index, scoring 73.35, out of a maximum of 100. Although it has dropped four places compared to the previous period, it remains in a good position among the countries with low restrictions on freedom of the press. The period under review was defined by relevant political milestones, such as the presidential inauguration and the work of the Constitutional Convention to propose a new Political Constitution. These facts entailed the media's essential role in citizen discussion and information.

Introduction

The period surveyed by this report was defined by important political milestones in Chile: Parliamentary and presidential elections (November and December 2021); presidential inauguration (March 2022); sessions of and decisions on the Constitutional Convention (July 2021 to July 2022); and a ratification referendum to approve or reject the text of the new Constitution proposed by the Convention (September 2022). These events, with their respective campaigns, set the tone for public debate as well as most news content and media broadcasts.

The consequences of the October 2019 Social Outburst continued to be witnessed on the streets, with demonstrations and protesting that decreased in intensity compared to the report in the previous period under analysis. Additionally, the country has faced a migratory crisis with the irregular entry of thousands of persons through the small town of Colchane, located on the northern border, which unleashed social and political tensions. On the other hand, the rise in the cost of living, with an inflation not experienced in decades (13.1% per year as of July 2022) has also triggered the political and social climate.

All these events have been extensively covered by the press, which have not had major hurdles to its activity. However, this period was marked by a particularly relevant event: The death of television station *Señal 3 La Victoria* correspondent Francisca Sandoval, shot while covering riots during Labor Day demonstrations.

Background

Chile ranks number six in the 2022 Chapultepec Index, scoring 73.35 out of a maximum of 100, almost matching Costa Rica (73.53). Although this year it has dropped four positions than the previous period, when it ranked second, it remains in a good position among the 22 countries under review, in the bracket of low restrictions on freedom of the press.

The categories of protection and impunity toward acts of violence that have involved news staff are those showing the lowest scores. This could be explained by stating that, in addition to the death of a journalist during the period, various attacks, threats, and intimidation of reporters and press teams (mostly by unidentified groups or individuals and in different contexts) were reported.

On the other hand, Chile's index shows that freedom of expression is slightly influenced by the Legislative, Judicial, and Executive environments, the latest exerting the most unfavorable influence.

Environments: A New Political Constitution sets the news agenda

Probably, activity regarding the Constitutional Convention is the most outstanding among the processes taking place in the country over recent years. Although related across the Executive, Legislative, and Judicial environments, it is not particularly under any of them. Therefore, we may exceptionally label it a "constitutional environment" essential to be factored in this period under review.

The 155 democratically elected members of the Constitutional Convention convened for twelve months to prepare a new draft Constitution. A strong internal polarization, as well as controversies undermining how citizens perceived the activity being conducted, defined this period. In this regard, the most relevant fact may have taken place following a news piece by newspaper *La Tercera* consisting of an interview with Convention Congressman (*Convencional*) Rodrigo Rojas Vade. Therein, he admitted to not being a cancer patient despite bringing up this situation at his campaign stump speeches (*La Tercera*, 2021).

Once the work of the Convention was adjourned, the campaign towards the referendum to approve or reject the proposal began, creating a rift between supporters of both options. The Association of Journalists (*Colegio de Periodistas*) sided with the Approve option, which generated criticism from many, including media journalists. The referendum was held on September 04 and the Reject option won with 61.8% of the votes cast.

On the other hand, the Legislative environment was marked by elections (November 2021) that completely renewed the House of Representatives (155 seats) and half of the Senate (27 seats). This implied a shift in political forces, with a representation of new parties and none as a majority. The new Parliament was inaugurated in March 2022 (as did the new government).

In May 2022, a group of congresspersons introduced the bill for protection of journalists and media workers intending to establish:

[...] the State's duty to pursue the safety of journalists and media workers, especially focusing on reinforced protections given their role as human rights advocates, whose work is closely related to freedom of the press, the exercise of the right to free speech, access to information and democratic rule. Attacks and aggressions against journalists violate the right to free speech both individually and collectively and will not be tolerated in a democratic society. (*Proyecto de Ley Cámara de Diputados*, 2022)

Parliamentary activity in the National Congress is consistently covered by the press, and both congresspersons and senators from across the political spectrum very often participated in

radio and television shows. During this period's Index, this environment scored 0.51 out of a total of 10, implying a very low influence [on situations] unfavorable to freedom of expression.

The Judiciary environment is the one branch attaining the lowest rating as to the possible unfavorable influence on freedom of the press, scoring 0.32/10. During the period under review, no major negative interference of court decisions with respect to the media is noted.

Among the rulings in this regard, we highlight the decision of the Supreme Court admitting a protective injunction filed by broadcast TV network *La Red* against an adviser to former President Sebastián Piñera, who called the station's director to "object" to, express "discomfort" over, and raise "concern" about a broadcast content. The highest court considered this incident as "... an arbitrary and illegal threat to the guaranty of free opinion and information without prior censorship, in its facet of freedom of the press and the right to be informed" (Poder Judicial, 2022).

As to the Executive environment, although it is the one ranking highest in the country[is results] (1.27 out of 10), it still represents a slight level of influence on [situations unfavorable to] freedom of the press. The presidential elections, won by Gabriel Boric in a runoff vote defeating Republican Party (Partido Republicano) candidate José Antonio Kast, defined this period.

On the other hand, three incidents spurred controversy over the relationship between President Gabriel Boric and the press. First, while he was a candidate, at the end of a live newscast after a television debate, Boric pointed his finger at a *Radio Biobío* journalist accusing him of being "very irresponsible" for a question he asked. He was criticized for this reaction, especially by some congresspersons (*El Mostrador*, 2021).

A second instance on record was when, already holding the presidential office, "... he unleashed controversy by giving a sarcastic answer to a question by a journalist from newspaper *La Tercera*" (13.cl, 2022). In this regard, the Association of Journalists made a statement pointing out that "... the Government and the press build a relationship based on respect. It is essential that public officials respect the work of the press and the protection of information sources as democratic basic principles".

The third incident occurred while on-site coverage, when the president interrupted Chief of Staff Camila Vallejo during her reply to a concern raised by a *Canal 13* reporter. He took the microphone, and gave it to a woman next to him who asserted: "So many studies in journalism to end up asking such ridiculous questions". (Biobio, 2022)

Realm A: Fake news as a threat to quality information for citizens

As for the realm of Informed Citizens Free to Express Themselves, the country scored 17.4 out of a total 23. In this realm, the slight influence of the Executive environment (scoring 2/10), the highest of an environment in any of the realms, stands out. In this regard, complaints about the government meddling with the ratification referendum campaign are relevant: They caused an investigation by the Office of the Comptroller General of the Republic (*Contraloría General de República*). Over this matter, Presidential Chief of Staff Camila Vallejo, stated: "... one thing is political campaigning and another is to educate, which is what we are doing" (DF, ADN, 2022).

Quality information for citizens was met with fake news during the period, especially in the weeks prior to the ratification referendum. Fake news was mainly disseminated on social media and included anonymous content, unattributed images or messages, fake statements attributed to politicians, and exchange of allegations of deliberately spreading misinformation on the constitutional process and the draft prepared by the Convention. To counter this situation, some media made special fact-checking efforts.

It is worth noting a not always clear use of the concept of fake news along the public debate among citizens and politicians. Consequently, they would label as such not only messages containing hoaxes, content but also opinions diverging from their own. As underscored in local forums on journalism, this leads to confusion.

On the other hand, to encourage and follow up news on the Constitutional Convention's work, the media produced special shows, editions, or segments covering, disseminating, or discussing the contents of the new draft for the highest law of the land. Efforts were made to interview or bring spokespersons from across the political spectrum on each issue. Additionally, online news sites and even WhatsApp bots were created to make access to information content more accessible.

Realm B: Calls for impartiality amid heated political struggles

The realm Exercise of Journalism scores 6.9 out of 10, which reflects the country's good outlook in this regard. No restrictions, demands, or provisions from the branches of government affecting the media or journalists on ideological grounds have been reported. Additionally, there is not mandatory affiliation to exercise the profession in the country.

During the presidential campaign period, the Association of Journalists declared its support for then-candidate Boric, which was criticized by different stakeholders. Among those, President of the National Press Association (*Asociación Nacional de Prensa*) Juan Jaime Díaz remarked that "... such declaration does not contribute to reinforcing what we believe in, which is impartiality in journalism. Making such a statement undermines the work of journalists". (*Radio Pauta*, 2021). Along these lines, Association of Journalists past President Javiera Olivares (a die-hard communist) made headlines for her appointment as deputy press secretary (*subdirectora de la Secretaría de Comunicaciones*), office in charge of the Government's media strategy.

A similar occurrence arose during the referendum campaign period, when the Association of Journalists sided with the Approve option. Controversy and criticism ensued from various public personalities, such as politicians and journalists. One of them was CNN Chile and Chilevisión host, journalist Mónica Rincón, who declared:

[...] I believe taking sides for the Approve option does not pertain to the Association of Journalists. Notwithstanding, it is just legitimate for each journalist, as a private person who also continues to be a citizen and makes their position public as part of opinion journalism or merely in front of the ballot box. (CNN, 2022)

Realm C: One victim and threats on social media

This realm scored the lowest for the country's [index] (25.2 out of 42), especially in the Protection (1.1 out of 5) and Impunity (1.5 out of 8.5) categories. The sub-realm of Persecution (5.4 out of 7.5) and that of Violence on record (17.1 out of 21) scored better. To read into these results, it is worth noting that there are records of attacks on press teams –by unidentified individuals or groups on most occasions– in the period during on-site coverage of protests, rallies, and other newsworthy events.

Indeed, the most serious instance was the death of TV station Señal 3 La Victoria correspondent Francisca Sandoval while she was covering the Labor Day demonstrations in Meiggs business district, Santiago. Her death, officially ruled as homicide, was the result of a shot fired by a local businessman. Regarding this incident, the Association of Journalists stated that they would not be a plaintiff in the complaints filed by the Chilean Commission on Human Rights (*Comisión Chilena de Derechos Humanos*, CChDD.HH.) and the Body for the Promotion and Defense of People's Rights (*Corporación de Promoción y Defensa de los Derechos del Pueblo*, Codepu). “We are horrified to see that the exercise of our profession is becoming a highly dangerous activity for journalists and media workers, who risk their lives when covering rallies against different kinds of injustice”, notes the statement (*Colegio de Periodistas*, 2022).

On the other hand, the Association of Journalists, along the Network of Migrant Journalists (*Red de Periodistas Migrantes*), blew the whistle on existing aggressions and threats amid the migration crisis. “We call on the authorities not to replicate or allow instances of xenophobia and racism which trigger more violence and result in attacks on press staff covering events on their journalistic duty”.

Additional attacks on record in the period are these: In May, a team from TV network La Red was assaulted and intimidated while covering a situation involving street vendors in Meiggs; in April and July, two [news] teams from *Canal 13* were thrown stones at; and in March, a Chilevisión journalist was attacked while covering student rallies at the National Institute (*Instituto Nacional*).

In addition, there is record on Twitter of two instances of threats. One was [made] against Mega TV station journalist José Antonio Neme, about whom it was posted: “He would look cute with a bullet in his skull”. Days later, the author of the threat apologized. The other episode was against journalist Fernando Paulsen, who was intimidated on his children's [social media] accounts with the following comment: “Tell your dad to take care of himself; there will be consequences for what he said last night”. (*Publímetro*, 2022). Consequently, the journalist closed his Twitter account.

Realm D: Free from direct controls

This is the highest-scoring realm for the country (23.9 / 25), reflecting the absence of direct or indirect control over the media. In the period under review, no politically motivated expropriations, closures, or expired licenses, blockages by internet service providers or vendors of supplies for media operations have gone on record.

However, allegations of lack of neutrality in *Estado Nacional* (State of the Nation), a show focusing on politics on [TV network] TVN stirred controversy in this respect by not balancing its panel of guests amid the campaign for the ratification referendum. Nivia Palma, from the network's board of directors, and a former minister during Michelle Bachelet's government, wrote on Twitter:

“I don't understand and I don't share 'Estado Nacional's' decision to have 4 representatives for the Reject option and 2 the Approve option on its panel”. On the other hand, former Convention member Daniel Stingo stated: “I believe that this government is guilty of not stepping in more in things like this on TVN [...] The government can do something more to offset or balance panels, shows, etc.”. Consequently, a decision to remove journalist Matías del Río from hosting the show was made and later reversed.

In July, the government signed the agreement “More voices: media and democracy” with the universities of Chile, La Frontera, and La Serena under the following premise: “... solid democracies are the reflection of a country that guarantees the right to information, freedom of expression and the press”. The agreement was spearheaded by Secretary Camila Vallejo, who pointed out that “Chile needs to modernize its media ecosystem, guaranteeing free speech and press independence” (Government of Chile, 2022).

Conclusions

In this report's 2022 edition, Chile experiences a noticeable drop in its rating, going from an 82.06 score in 2021 down to 73.35. Therefore, it leaves the “full freedom of expression” category down into “low restriction”, while dropping from second to sixth in the regional ranking.

However, the above does not result from more pressure for government control, but rather from the particular migratory crisis and, especially, the climate of political tension that the country has been experiencing in since late 2019 and translates into a certain degree of polarization. This is breeding ground for extremely damaging developments, including the spread of fake news or threats against journalists.

It also responds to the obvious public security concerns the country has been experiencing, regarding street rioting, crime rate, and organized crime. All these have been on the rise in recent years. This comes behind the biggest casualty of the year, the crime against media worker Francisca Sandoval, as well as the violent attempts against news teams that have tried to cover events involving criminal activity. Additionally, the migratory crisis that stirred political and social tensions also impacted the work of migrant journalists.

Although the figures are dropping, in terms of free speech, Chile's landscape remains favorable compared to the rest of the region. This prevents the existence of threats such as the worldwide financial crisis affecting the media industry. This has exacerbated in the period under review by skyrocketing costs due to fluctuations in the exchange rate and inflation well above the country's usual trends.

Likewise, it will also be important to see how the measures and announcements regarding freedom of the press issues move forward so that they can effectively be a contribution in this regard and do not end up generating greater government interference in an industry that today seems financially vulnerable. In this sense, signals from the Judicial environment towards providing guarantees to freedom of the press in Chile are significant.

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