

CHILE

GOVERNMENT ASSUMES LEADERSHIP IN DEBATE ON FREEDOM OF THE PRESS

Executive Summary

Chile returns to second place in the index, with a score of 78.85, after the Dominican Republic (81.08). This represents a significant increase in relation to the number six position that the country occupied in the previous measurement, maintaining the category of “Low restriction” on freedom of expression and the press. There is an active role of the government in promoting initiatives with regards to freedom of expression and the press, which has been a source of concern about the possible scope they would have. The country maintains an intense political debate, in the middle of a second constituent process, and the commemoration of the fifty years of the coup d'état.

Introduction

The political agenda has been especially relevant in recent years in the country, and the period analyzed in this report is no exception. A second constituent process has been marked by elections in the month of May, to define the members of the Constitutional Commission, with a result that surprised many due to its inclination towards the right (unlike the first process). This work will end with a plebiscite in December to decide the approval of the proposed new Magna Carta.

The government has had a particularly active role in relation to freedom of expression and the press with initiatives that, in their opinion, aim to strengthen the debate and the media ecosystem, but that have raised doubts regarding their possible scope. Furthermore, in this context, the government announced that Chile will host World Press Freedom Day 2024.

Although the social climate has been less intense, the commemoration of the fifty years of the coup d'état has also marked the political debate. Fake news continues to be a relevant challenge to face, and initiatives are emerging to address the issue from different actors.

Chile occupies second place in the 2023 Chapultepec Index, with a score of 78.85 (out of a maximum of one hundred), surpassed only by the Dominican Republic (81.08), and followed by Jamaica (76.78) and Canada (75.30). These results represent a notable improvement in relation to the number six position that the country occupied in the previous measurement, where it had dropped four positions. This implies that Chile regains the second place it had in the 2021 index, maintaining the category of “low restriction on freedom of expression and the press.”

The realms of “Practice of journalism” and “Media control” are the best evaluated, which is a good sign considering that the intensity of the political debate could lead to difficulties in these

aspects. For their part, the realms of “Informed citizens free to express themselves” and “Violence and impunity” are those that have a lower evaluation, which could be explained by the record of a series of attacks on journalists mainly by protesters in different instances.

These results are complemented by the low influence that the legislative, judicial and executive environments have in situations that are unfavorable towards freedom of expression and the press in the different realms, with an average influence of 0.13; 0.09; and 0.27 (on a scale of zero to ten), which is classified as “mild” according to the index. It is especially noteworthy that the influence of environments on the “Media Control” realm is non-existent (0.00 on a scale from zero to ten).

About the environments: new constituent process and actions favoring press freedom

After the text of the new Constitution proposed by the Constitutional Convention was rejected in the September 2022 plebiscite, a second process began to have a new Magna Carta. With more limited deadlines than the first, this new process included the work of a Commission of Experts that presented a preliminary draft as the basis for the discussion and drafting of the new constitutional text by a Constitutional Council, whose fifty members (versus 144 of the first process) were defined in elections in May 2023. In December, the approval of the final text will be decided in an exit plebiscite.

All of these characteristics and the extensive nature of the process to achieve a new constitution are aspects that may have influenced the climate and debate to be less exacerbated than in the first process. As noted in the previous period's report, this “constitutional environment” cuts across the executive, legislative and judicial environments and is key to understanding the country's context.

The legislative environment has been strongly linked to the work of the Constitutional Council, since both the Senate and the Chamber were the bodies in charge of appointing the twenty-four members of the Expert Commission (twelve each body), complying with gender parity criteria. The draft proposed by the experts includes “... the right to freedom of expression, information and opinion, without prior censorship, in any form and by any means,” in addition to specific articles that protect this right.

On the other hand, the bill that “Regulates the protection of journalists and communications workers”, which was presented in May 2022 and seeks to enshrine the state duty to promote the safety of people, remains in the first stage. “...whose work is closely related to freedom of the press, the exercise of the right to freedom of expression and access to information.” In March of this year, the initiative was approved in the Culture, Arts and Communications Commission, and was sent to the Chamber (Chamber of Deputies, 2023).

As usual, advances in legislative matters in Congress have permanent journalistic coverage. Parliamentarians from different political sectors participate in interviews in the press, radio and television. The average influence of this environment is 0.13, out of a total of ten, with its highest score, like all environments, in the realm of “Informed citizens free to express themselves”, with 0.29.

The judicial environment, like the previous period, remains with the lowest score in relation to the possible unfavorable influence on press freedom, with a score of 0.09, out of a total of ten. There are no results or actions presented in this environment that could negatively affect the work

of the media, communication professionals, nor that affect the freedom of expression of citizens in general.

However, specific cases are recorded, such as in May 2023 the judicial ruling of the Seventh Guarantee Court of Santiago, which sentenced the digital media Internacional to pay a fine and the costs of the trial, for serious insults against a Carabineros commander. for linking it with the theft of wood in the southern macrozone.

Another event was the judicialization of the case of journalist Paulina de Allende-Salazar, who sued the Megamedia company for unjustified dismissal, accusing it of “injurious public statements” and a “scandalous anti-journalistic practice” (ADN Radio, 2023). Her dismissal occurred after the journalist used the word “paco” live to refer to a uniformed man, in the coverage of the case of a murdered police officer.

In relation to the executive environment, although it has the highest influence score (0.27 out of a total of ten), it is still a mild level. Some initiatives that the government has promoted in direct relation to freedom of expression and the press stand out, which have been strongly criticized. One of them is the table “More breadth, more voices, more democracy”, which in agreement with three universities in the country seeks to “strengthen the debate around the right to information and freedom of the press.” In January 2023, it was presented the first report with an analysis and recommendations on the situation of the country's media ecosystem.

Another is the creation of an “Advisory Commission against disinformation”, whose objective is to carry out an analysis of the current state of the phenomenon and provide guidance and recommendations for the formulation of public policies. Both initiatives have been a source of criticism and concern about the scope that the State's role could have and how it could influence freedom of expression and the press.

These criticisms even reached the Constitutional Court to challenge the work of the commission, considering that it would be an initiative that would violate freedom of expression, and because it was an instance that could restrict individual freedoms and therefore should be discussed by law in Parliament, and not created directly by decree (*La Tercera*, 2023). Along these same lines, parliamentarians from the Independent Democratic Union (UDI) went to the Inter-American Press Association (IAPA), requesting its statement regarding the government's media agenda, where there would be “...indications of the government's ideological influence in the development of the initiative” (*La Tercera*, 2023).

Realm A: Informed citizens free to express themselves

In the dimension “Informed citizens and free to express themselves”, the country has a score of 17.14, out of a total of twenty-three, a figure that is very close to the 17.4 of the previous evaluation. The challenge of confronting “fake news” or fake news remains, which especially abounds in the midst of intense political processes such as the one the country is facing. Even an institution like the Electoral Service, which has high credibility due to the efficiency and thoroughness of its work, has had to come out to deny fake news (Serval, 2023).

During the election period for the Constitutional Council, accusations arose against the Republican Party of spreading fake news in relation to measures against illegal immigration (Radio Agricultura, 2023). As in previous electoral processes, special efforts emerged from the media and different platforms to combat “fake news.”

In the context of Press Day in Chile, the College of Journalists highlighted:

[...] It is indisputable that the press has a fundamental role in the fight against misinformation, fake news and hate speech that proliferate online and that, unfortunately, sometimes transfer to news formats. The dissemination of unverified information and false data without context corresponds to a reality that also occurs in Chile and is often used for political advantage, especially in electoral contexts. (Association of Journalists, 2023).

Realm B: freedom in practice of journalism

In the “Practice of journalism” realm, the country has a score of 8.2 out of a total of ten, a figure higher than the 6.9 of the previous evaluation. There are no impediments or requirements of the State to carry out journalistic work, nor restrictions due to ideological factors, nor is it a requirement to be registered or have a professional title to carry out informative or communication work.

To highlight the importance of press freedom, different organizations have held seminars on the subject. One of the most relevant was the one carried out by the National Press Association (ANP), in December 2022, under the title “Disinformation, Freedom of Expression and Democracy”. The meeting brought together more than sixty actors from academia, journalists, think tanks, civil society organizations and representatives of the media ecosystem, who addressed the challenges of misinformation and the importance of a free press to strengthen the democracy. The discussion at the seminar was reflected in a report (ANP, 2023).

On the other hand, and in the context of the commemoration of fifty years of the coup d'état, the government held an “... act of memory and reparation in commemoration of journalists and communications workers murdered in the dictatorship” (Government of Chile, 2023), at the La Moneda Palace, which was attended by authorities and relatives of communicators and human rights groups.

Realm C: attacks and threats by groups

The dimension “Violence and impunity” has a score of 29.28, out of a total of 42, so it continues to be, as in the previous measurement (25.2 out of 42), the one with the lowest score for the country, maintaining the categories of “protection” (1.71 out of five) and “impunity” (1.5 out of 8.5) as the worst evaluated; and the aspects of “persecution” (6.79 out of 7.5) and “recorded violence” (19.28 out of twenty-one) as the best evaluated. Most of the recorded acts of violence are linked to attacks on journalistic equipment by protesters or unidentified assailants, in the coverage of demonstrations or complaints.

Threats were recorded, such as those received by journalist Daniel Matamala, after a column written about Augusto Pinochet in the newspaper La Tercera, titled “Traitor. Killer. Terrorist. Thief. Coward”. According to Radio ADN, “... a series of users on social networks threatened the communicator with death. Even in a graphic where he appears hanging, he is warned that in a new dictatorship he would be the next to fall” (ADN, 2023).

Another situation was experienced by the panelists of the program “La voz de los que sobran” (The voice of those who surplus), threatened by an ultranationalist group: “...the messages have been coming for a while, because we have been receiving messages from this group for a long time. This group and others have been threatening us,” said panelist Hassan Akram (*La Cuarta*, 2023).

Realm D: free media

The “Media Control” realm is the best evaluated with 24.14 out of a total of twenty-five, even better than the previous year (23.9 out of twenty-five), which allows us to affirm that the country has media free of control by of the State. There is no record of blockades or closures, nor expropriations of media outlets, nor expired concessions for political or ideological reasons, nor restrictions on suppliers of inputs for the operation of the media.

However, the government initiative already mentioned “More breadth, more voices, more democracy”, has been harshly criticized by some actors. “It is alien to international standards and practices regarding freedom of expression. “Signs like these usually precede injuries to press freedom, as can be seen in the experience of other countries,” said the National Press Association (*El Líbero*, 2022).

On the other hand, an editorial in the newspaper *El Mercurio* noted “... the fight against disinformation has taken place throughout the world by strengthening traditional media and protecting professional journalists,” adding “... the steps that the minister has taken by establishing “A group of studies whose recommendation, if it coincides with the government program, would be to finance local and regional media with public funds, does not contribute to this good disposition.” “It does not seem to be a good start to finding a solution to the problem,” the newspaper states. (*El Líbero*, 2022)

Conclusions

Chile resumes its leadership by being once again in second place in the Chapultepec Index, which measures freedom of expression and the press in twenty-two countries in the region. In the 2023 edition, the country managed to rise from position six in the previous measurement, going from 73.35 to 78.85, out of a total of one hundred, maintaining the category of “low restriction” on freedom of expression.

This better evaluation can be explained by a political climate that has been less critical than in the previous period, even though critical processes for the country continue, such as the drafting of a new Constitution and the commemoration of the fifty years of the coup d'état. State. The information intensity of recent years, with permanent political news, crossed accusations, with social networks to spread fake news easily and quickly, has decreased in the last year, giving way to other types of content, with more entertainment.

Although Chile is in a prominent position in the index, it is not totally exempt from situations such as attacks and threats to journalists in the exercise of their work, which have mostly been carried out by private individuals in the coverage of demonstrations or complaints, and not by state agents.

A positive aspect is that there are initiatives that are focusing on strengthening freedom of expression and the press from different perspectives, both from the Government and Congress, the academy, and also from the journalistic union through the College of Journalists, the National Press Association and other organizations that promote a free press and help highlight the importance of press freedom to a healthy democracy.

In May of this year, the Government Minister Spokesperson, Camila Vallejo, announced that Chile will host “World Press Freedom Day.” The minister declared through her We assume this role with deep historical responsibility, reflecting on the old and new challenges of our democracy.” (Minister Vallejo in X, 2023)

In general, the country has a very favorable climate for the practice of journalism, with broad freedoms and few restrictions. There are no recorded actions or initiatives that go directly against citizens' right to express themselves or be informed. The media maintains the presentation of content with diverse points of view and there are no restrictions on the infrastructure or media providers.

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