

CHILE: LEADING FREEDOM OF EXPRESSION AND PRESS

Executive Summary

Chile ranks first in the Index after four years scoring 79.65 and surpassing the Dominican Republic (77.25), which had ranked first the previous year. This milestone reflects progress in the areas of freedom of expression and the press. Regarding the institutional climate, the year was in the spotlight due to important political events such as the end of the constituent process and judicial controversies. Although Chile was remarkable for its freedom of expression “low restrictions”, violence against journalists remains a pending challenge.

Introduction

During the analyzed period, Chile had a busy political schedule, where the most relevant milestone was the conclusion of the constituent process, since after two attempts to draft a new constitution, the country voted against the December 2023 Constitutional Council text. On the other hand, in May 2024 the country hosted the UNESCO World Press Freedom Day Conference, which brought together various players from academic, press and government environment to discuss the challenges journalism has to deal with, especially regarding climate change. In this event’s context, Santiago + 30 Declaration was signed.

Another issue that set the tone was the disclosure, through the press, of facts that led to judicial investigations for corruption. An example is the referred to as “Convenios case” (Caso Convenios), which broke out when Antofagasta Region’s *Timeline* media outlet made known the allocation up \$426 million authorized from the Antofagasta Regional Ministerial Department of Housing to the Democracia Viva foundation. Since then, complaints about possible irregularities in the allocation of public funds from regional ministerial departments of Housing and regional governments have increased, and there are ongoing investigations in almost the entire country. The Attorney General’s Office is investigating wire transfers by nearly \$90 billion to various corporations or foundations (DF, 2024).

Also, in the “Hermosilla Audios Case” digital media outlet *Ciper* posted an audio that gave rise to an investigation for bribery and kickbacks in Chile’s Internal Revenue Service and the Financial Market Commission. As the weeks went by, new aspects were made public due to lawyer Luis Hermosilla’s cell phone confiscation by the Attorney General’s Office. Information involving people in politics and the Judiciary has since been leaked through the press.

Chile ranks first in the Chapultepec Index 2024 scoring 79.65 out of one hundred; Dominican Republic (77.25) and Canada (75.78) come up next. This is the second time Chile has topped this ranking (the first was in 2020). The country retains its “low restrictions on freedom of expression and the press” ranking.

Realms “Citizens Free to Express Themselves” and “Control Over the Media and Journalism” scored best, reflecting a high level of freedom of the press and expression in the country, which warrants their leading position in the Index. In contrast, the worst-rated aspect is “Violence and Impunity against Journalists and Media” due to violent attacks recorded against journalists and their teams.

These results are complemented by the low influence that the legislative, judiciary and executive environments exert on situations that are unfavorable to freedom of expression and the press in the different realms: average influences hit 0.39, 0.31 and 0.38 (on a zero-to-ten scale), under a “mild” ranking per the Index. It is particularly noteworthy that the influence of the environments in the “control over the media” realm is nil (0.00 on a zero-to-ten scale).

Results Analysis

After two new Constitution’s draft failed attempts, the constituent process in Chile came to an end with December 17, 2023, where 55% of voters rejected the Constitutional Council's draft while 44% supported it. This result closed long debating in which the executive, legislative and judicial environments had a participation. Therefore, as mentioned in the previous report, a “constitutional environment”, essential to consider this period’s analysis, can be safely mentioned.

Although the legislative environment shows the highest score of negative influence on freedom of the press (0.39 points out of a total of ten), it remains a low level when compared to other countries. Like the other environments, its highest score is in Violence and Impunity against Journalists and Media, hitting 0.60. As usual, legislative advances in Congress are continuously under the media’s coverage. Several-party congresspersons regularly participate in interviews, both in printed press and on radio, television and digital media outlets.

At the House of Representatives’ Culture Committee, a modification on the bill on corporate governance and financing of Chilean state channel TVN, was discussed. It proposes the creation of a long-term fund of US\$30 million. President of the station's board of directors Francisco Vidal supported the initiative and sparked controversy by stating: “The essential question that you will have to respond to is whether Chile needs, wants or desires to have state-controlled television. The alternative is not to have it, which implies that Chileans will be informed and entertained by the Luksic group on *Canal 13*, the Heller group on *Megavisión* and some *gringos* who change ownership in Chilevisión as many times as necessary” (Diario Financiero, 2024). This, referring to the country’s privately-owned stations.

On the other hand, the bill that “Regulates the protection of journalists and media employees”, submitted in May 2022 and seeking to “establish the government’s duty to promote and determine journalists and media employees’ safety devices, through respect for the human right to freedom of the press”, is in its second constitutional process in the Senate. In August of this year, the idea of legislating was unanimously approved by the Senate's permanent commission on Human Rights, Nationality and Citizenship, and was submitted to the Senate Chamber (Senate of the Republic of Chile, 2024).

The Judiciary continues to be most lowly rated in terms of its potential negative impact on freedom of the press, scoring 0.31 on a ten scale. So far, no events or decisions affecting the operation of the media, of journalists or the citizens’ freedom of expression have been recorded.

An important court decision supporting freedom of expression was issued by Santiago's Court of Appeals. The court ordered the University of Santiago to hand over the academic records of Professor Elisa Loncon, who initially chaired the Constitutional Convention. This decision was made following a request made by newspaper *El Mercurio* in December 2022 through the Transparency Law, after compliance with the requirements of her sabbatical-year leave was publicly questioned.

Former university's dean Juan Manuel Zolezzi had granted Loncon a paid sabbatical-year leave in July 2022, supporting his decision on the grounds that scholars can access this benefit if they meet certain academic hierarchy, seniority, and remarkable record of publications criteria. After a year's delay, the court ruled that the university should "provide the academic background evidence that motivated the granting of a sabbatical year leave to Professor Elisa Loncon, as well as a list of other beneficiary scholars during the last three years" (*El Mercurio*, 2024).

On another note, some isolated cases have been documented: for example, the charges pressed by mayor of the La Florida commune Rodolfo Carter, for serious libel with publicity through a complaint on digital media *El Mostrador*, specifically on its director, Federico Joannon, and journalist Carlos Saldivia due to an article on corruption in Chile's municipalities, including La Florida. According to the complaint, the report places "Mayor Rodolfo Carter Fernández's image on the front page. (...) However, everything stated lacks veracity and accuracy, and such acts of corruption do not exist" (*El Ciudadano*, 2023).

On the other hand, an intense debate has been sparked by the leak of an audio file that records lawyers Luis Hermosilla, Leonarda Villalobos and businessman Daniel Sauer June 2023 meeting, in which defense strategies for companies Factop and STF Capital, under investigation by the Financial Market Commission (Comisión para el Mercado Financiero, CMF) in Chile, were discussed. The file's content suggests the intention to orchestrate bribes to officials of state agencies such as the Internal Revenue Service (Servicio de Impuestos Internos, SII) and the CMF.

When the Attorney General's Office seized Hermosilla's phone, they found compromising evidence upon transcribing his WhatsApp conversations, which led to a series of leaks to the press. These revelations have been key to disclose various irregularities, but they have also raised questions about privacy and responsibility in the disclosure of information that may be sensitive.

Regarding the executive environment, the influence index is low, scoring 0.38 out of a total of ten. In fact, the government of Chile gave a hint by hosting the 31st World Press Freedom Day Conference in Santiago, convened by UNESCO, an edition "devoted to journalism and freedom of expression in the current environmental crisis context, under the name Press for the planet: Journalism in the face of the environmental crisis" (Ministry of Foreign Affairs, 2024). President Gabriel Boric participated in the event, and highlighted "the role of the media and freedom of the press" (*El Mercurio*, 2024).

Despite this, the president's relationship with the media "has not flown" according to political science expert Mauricio Morales (*El Mercurio*, 2024). The explanation is that, on several occasions, he has openly criticized the press during his term. For example, in October 2023 he stated: "When I read the newspaper headlines... in truth, I don't read newspapers very often to this point, but their eagerness to privilege bad news is impressive. I don't know how those who continue to read *El Mercurio*, *La Tercera*, *La Segunda*, I don't know whatever becomes of their hearts after this, because it seems like we live in a hellish country. And it is not like that" (*The Clinic*, 2024).

Through a statement, the National Press Association (Asociación Nacional de la Prensa, ANP) described the president's statements as "hostile toward journalism". Moreover, they estimated that "they violate Article 19 from the Universal Declaration of Human Rights" and that the President not new to these remarks against the media (*La Tercera*, 2023).

Additionally, to strengthen public broadcast station TVN, the government has also proposed the creation of a public radio station and a mixed funding model, seeking to modernize its regulatory framework and ensure its sustainability (*Biobío*, 2024).

Ultimately, a government initiative that has raised concerns due to its potential impact on the government's scope and its possible interference in freedom of the press is the Ministerial Advisory Commission against Disinformation, which aims at formulating recommendations from various perspectives to "advance in fighting disinformation, protecting public interest, human rights and individual rights" (Ministry of Science, 2023). In December 2023, the Commission issued its second report, which suggested granting the Electoral Service (Servicio Electoral, Servel) new capacities of monitoring "fake news" during election times (*La Tercera*, 2023).

Realm Citizens Free to Express Themselves

At Citizens Free to Express Themselves, the country scores 25.40, out of thirty. The lowest scoring sub-realm is government's efforts against disinformation, with 7.2 out of ten points. Regarding this issue, the government launched the campaign "Hold on, check, share" (*Aguanta, chequea, comparte*) against disinformation, seeking to provide recommendations to citizens so that they have verification tools for the different contents that go viral on social media (Ministry of the General Department of Government, 2024).

This shows that the proliferation of "fake news" is a major problem, which is why there are multiple media initiatives to verify data and determine if they are not fake. According to Sebastián Valenzuela, a scholar at the Pontificia Universidad Católica and a specialist of the field, "in Chile, a disinformation market is triggered during election times" (*El País*, 2024).

During the period analyzed, the referendum campaign for the second constituent process was carried out. Chile's Observatory of Disinformation identified information disruptions weeks prior to the vote (*La Tercera*, 2024). However, Servel's board of directors' chairman Andrés Tagle stated that as an organization "the number of fake news we see is fewer" when compared to the previous process. According to Tagle, the institution monitors social media to respond promptly to sites that produce these kinds of news and, in cases of greater going-viral events, issues news bulletins (*Radio Cooperativa*, 2023).

Realm Violence and Impunity against Journalists and Media

In Violence and Impunity against Journalists and the Media, Chile scores 13.28 out of a total of twenty, so it remains, as in the previous measurement (29.28 out of 42), the one lowest-scored realm in the country, retaining the categories "protection" (1.95 out of five) and "impunity" (1.25 out of eight) as the worst scored and "persecution" as the best scored (4.8 out of seven).

One of the worst cases took place on September 11, 2023, in the context of the coup d'état fiftieth anniversary observation. *Mega's* cameraman Javier Barría was shot in the face while covering the commemoration. The International Federation of Journalists condemned "this attack on a media employee who doing his job, supports the injured colleague and demands that the authorities deploy an urgent investigation to clarify these violent events"

(International Federation of Journalists, 2023). Most of the acts of violence were related to attacks on teams from media outlets while covering events, or complaints by protesters, or unidentified aggressors.

Another recorded event was the attack on *Mega* journalist José Antonio Neme during former President Sebastián Piñera's funeral, where a citizen verbally and physically attacked him (*Radio Agricultura*, 2024). More recently, a cameraman from Chilevisión was attacked outside the Recoleta City Hall after the announcement of preventive detention for former mayor Daniel Jadue. A security guard, who was preventing access to the press, pushed him while he was trying to make a report (*Radio Biobío*, 2024).

Realm Control over Media and Journalists

"Control Over the Media" is the top scoring realm, as in the previous year, with 27.7 points out of thirty, which indicates the existence of media with freedom of expression not controlled by the government. Regarding the "direct control" sub-realm, the government allocates public funds to the state-run station TVN, but tax provisions are not used in a discriminatory manner, nor tax privileges for government-supporting media outlets are generated. The 13.2 out of fourteen points score awarded to this sub-realm says so.

No shutdowns or media outlet confiscations by the government are recorded, except for the police raid on *Radio Villa Francia*, which took place in July 2024, in the context of an investigation into explosive devices. The operation brought tensions between the Communist Party and the government, and the radio broadcast station denounced the police operation as "Gabriel Boric's political police" (*CNN Chile*, 2024). However, weapons were found inside the outlet. According to police investigations, they had a criminal use in two regions of the country.

As to "indirect control over the media", a six-point top score was awarded, thereby indicating that the government has not forced restrictions on digital platforms or lobbied technology providers such as those providing pay TV or internet. Finally, regarding the sub-realm "Exercise of Journalism" which scored 8.5 points out of ten, it is necessary to underline that Chile was the host of the World Press Freedom Day Conference, an event hosted by UNESCO, which brought together more than a thousand participants from the journalism and scholar fields to discuss freedom of the press.

A relevant milestone linked to this event was that the International Media Encounter, where the Santiago + 30 Declaration was signed, was also held in the Chilean city. The declaration proposes an update of the 1994 Declaration by UNESCO in Chile and calls on governments, intergovernmental organizations, technology companies, media outlets and journalism in general to adopt "a collaborative effort" that consolidates "free speech as a fundamental human right and a cornerstone of democratic and informed societies" (Santiago +30 Declaration, 2024).

The document was signed by various press associations, including the World Association of News Editors (WAN-IFRA), the Inter-American Press Association (IAPA), as well as freedom-of-the-press-supporting organizations, journalists and media from Brazil, Argentina, Chile, Colombia, Spain, Portugal, Mexico, Peru, and Ecuador. The declaration calls on States to promote "the existence of a free, independent and diverse media landscape that encompasses both traditional and digital platforms". (ANP, 2024).

Conclusions

The Chapultepec Index 2024 analysis grants Chile a privileged position in terms of freedom of expression and the press, and this means significant progress in several key dimensions. Scoring 79.65 out of one hundred, the country has managed to consolidate its regional leadership by being ranked in the “low restriction” category.

Despite this favorable outlook, there are current concerning aspects, especially regarding violence and impunity against journalists and media. Although the score in this realm stays low compared to the region’s countries, attacks on journalists show that journalism remains a somewhat risky profession.

As for institutional environments, the Judiciary stands out for its low negative influence on freedom of the press, scoring just 0.31 out of ten on the Index scale. This reflects a commitment of the Chilean judiciary system to freedom of expression, avoiding decisions that could undermine the exercise of journalism.

The Legislative Branch, with a slight influence of 0.39 points, also reflects a low level of negative intervention in freedom of the press. However, discussions around the regulation of state-run media, the initiative to create a public radio broadcasting station and legislation around the protection of journalists draw interest.

On its behalf, the Executive Branch has shown willingness to support freedom of freedom of the press, as evidenced by the organization of the World Press Freedom Day Conference. However, President Gabriel Boric’s criticism of the media also generated tensions that could negatively influence public perception of the press.

Ultimately, although Chile leads in the Chapultepec Index, monitoring specific situations is essential. In general terms, the country offers a favorable environment for the free exercise of journalism and citizens’ free speech without interference from government agencies, which fosters proper functioning of the media.

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