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Freedom Of The Press - Chile (2011)

Status: Free
Legal Environment: 8
Political Environment: 13
Economic Environment: 8
Total Score: 29

Ownership concentration, restrictions on the development of community radio, and the use of the penal code to silence journalists continue to restrain press freedom in Chile. Positive developments in 2010 included the sale of the new president's private television network and the implementation of a year-old access-to-information law, even while further reform is needed to strengthen the autonomy and capacity of the administrative council and the reach of the law.

Criminal charges of various origins continued to be used against reporters in 2010. On September 11, police arrested freelance reporter Marcelo Garay Vergara for allegedly not complying with a court summons in a pending criminal case. Garay said he was never notified of the summons. In 2009, he had been arrested and accused of illegally taking pictures on private property to illustrate a report on a Mapuche indigenous people's dispute with the government, but was reportedly released the next day. More positively, a court in January acquitted freelance journalist Pascale Bonnefoy of criminal defamation related to a 2006 article that named a retired army officer as a torturer who had terrorized thousands of political prisoners after the 1973 coup. Bonnefoy had faced up to 10 years in prison. In April, Chilean documentarian Elena Varela López was acquitted on charges of criminal association and "links with a terrorist group" in connection with two holdups in 2004 and 2005. Prosecutors were asking for a sentence of 15 years. She had been accused in 2008 of participating in a criminal terrorist group while making a documentary about the Mapuche. Reporters Without Borders reports that terrorism charges previously had been used against foreign filmmakers who took an interest in the Mapuches' disputes with logging companies.

Congress in May passed a new law regulating community radio. Groups hailed it as a step in the right direction, but one containing important flaws. Chilean community radio is still defined in geographic terms rather than by communities' interests; thus, while increasing a radio station's power from 1 watt to 25 watts (or in indigenous areas, up to 40 watts) bolsters community radio's reach, the definition of what type of organization can operate a community station is overly broad and does not make explicit provision that it should be operated by a non-partisan group operating in a community's interest. Further, advocates denounced restrictions on advertisers that limit their viability as financing mechanisms, as well as a requirement to produce expensive technical studies prior to moving to newly assigned spectrum. Further, the law reserves only 10 percent of spectrum on FM for community radio, leaving 90 percent of the FM dial, digital radio, and AM for commercial or state radio. Importantly, the new law does not derogate

Article 36 (b) of the telecommunications law, which penalizes unlicensed radio operators with jail time as well as fines. The Telecommunications Secretariat, often at the behest of the commercial radio owners association, reported that it had initiated legal proceedings against 31 community radio stations in 2009 through July 2010. In November, three more stations were shut down, with five radio operators detained.

Journalists generally are able to report freely without having to practice self-censorship. There were a few reports of harassment and attacks on journalists during the year. In May 2010, documentary maker Jaime Díaz was assaulted while attending and filming a local council session. In September, some journalists covering the street demonstration marking the anniversary of the 1973 coup overthrowing the government of President Salvador Allende were attacked.

Media are predominantly in private hands. The concentration of print media is a legacy of dictatorship-era closures of critical media. Due to few regulations on the structure of the industry, two newspaper consortia currently own 95 percent of Chilean newspapers, which consequently deters a diversity of viewpoints. Radio is the most accessible medium for Chile's poor and popular sectors, but radio concentration has also begun to become a concern. Various groups reported that only three consortia own 55 percent of commercial radio stations, while five own 70 percent. The concentration of ownership further compounds the problem community radio stations face. Television ownership is more plural, with a state-affiliated channel, a Catholic university channel, and private broadcasters reaching national airwaves.

There were no government restrictions on the internet, which was accessed by 45 percent of the population in 2010. A so-called net neutrality law was approved in Chile in July, and went into effect in August. The law—the world's first to mandate net neutrality—forbids internet service providers from restricting or interfering with content or access to content by users.