

## FREEDOM OF THE PRESS

# Chile

Chile | [Freedom of the Press 2012](#) |

**Status change explanation:** Chile declined from Free to Partly Free due to harassment, detention, and attacks against visual media journalists attempting to cover protests and strikes during 2011. Also, a small bomb exploded outside the offices of the media company Copesa, and cyberattacks were launched on news websites. The independent media remained stifled by the existing ownership duopoly, especially in the print sector.

Chile has a number of latent structural, legal, and public security policy weaknesses that can result in press restrictions. These conditions result from incomplete media law reforms after the Pinochet dictatorship (1973–90) as well as the country's particular political and economic models. In 2011, public security operations and the legal and structural foundations of poor media diversity took center stage. Massive political mobilization against educational and environmental policy during the first conservative government since the return to democracy in 1990 provided the context for the violations of press freedom that arose during the year.

Freedoms of speech and of the press are guaranteed in Chile's constitution. However, criminal defamation and *desacato* (insult) laws have been used to silence journalists sporadically since the return to democracy, often leading to public outcry and the abrogation of some laws.

Amendments in 2010 to a 1994 community radio law allowed community broadcasters in theory to increase their minimal signal strength and carry advertising from companies not physically present in the areas they cover. The law also created a path to licensing for noncommercial stations linked to community organizations. However, the changes have not been promulgated by the current president, conservative businessman and former television network owner Sebastián Piñera, generating legal and financial uncertainty. Further, the new law does not abrogate Article 36B of the General Telecommunications Law, which calls for criminal penalties and high fines for those who broadcast without a license. In a small victory, a lower court judge in December ordered the government to return the equipment confiscated from Radio Tentación de Paine in 2010 and allowed director Marcelo Muñoz to continue to operate the station as long as it broadcast only community service announcements. Muñoz must attest to upholding the ruling every six months.

In 2011, several journalists were harassed or detained as a result of their reporting during protests against costly and inequitable education access and the HydroAysén project, which would build five hydroelectric dams in the southern Patagonia region. Foreign Correspondents Association President Mauricio Weibel said police violence against journalists and impunity had increased "at a frightening rate." At least nine such cases were documented as of October. In the education protests, which began in May and continued through the end of the year, many of the journalists targeted were photographers or cameramen who were filming clashes between the *carabineros*, or national police, and the demonstrators.

## 2012 SCORES

PRESS STATUS

**Partly Free**

PRESS FREEDOM SCORE

**31**

LEGAL ENVIRONMENT

**8**

POLITICAL ENVIRONMENT

**14**

ECONOMIC ENVIRONMENT

**9**

Marcela Rodríguez, a photographer for the Mapuexpress website, was arrested in May with 10 others during a protest against the HydroAysén dam project. She was eventually acquitted, but had faced up to 300 days in jail and a fine for disturbing public order. Since 2008, a number of journalists and documentarians have faced legal and physical harassment while covering land conflicts of the Mapuche indigenous people in southern Chile.

Additionally, in April 2011, a documentary depicting the Mapuche land struggles was denied access to national distribution on grounds it “attacked the image” of the southern Araucanía region. The filmmaker, Elena Varela, had been charged with “links with a terrorist group” and held for three months in 2008 while making the documentary, *Newen Mapuche*. She was acquitted in 2010.

Repression of media coverage of other sensitive subjects continued, and in November, two journalists were detained by the national police during a controversial tribute to a former officer convicted of human rights crimes during the Pinochet dictatorship.

In addition to journalists being physically attacked, news sources were victims of attack. In November, a homemade bomb exploded outside the offices of Copesa, the media company that publishes *La Tercera*, a mainstream daily. No one was injured, though some windows were shattered. Also, three news websites were hit with cyberattacks from an unknown source in early November, forcing them to close for 24 hours. In October, Argo TV, a community television station, had the cables to its broadcasting tower cut, rendering it unable to broadcast.

Despite these incidents, journalists generally do not exercise self-censorship.

Chile’s commercial press is concentrated in the hands of two media conglomerates, the El Mercurio group and Copesa. These organizations consolidated their positions during the Pinochet dictatorship, and continue to receive government subsidies estimated at \$5 million annually. Media groups are tied to financial and advertising interests, and control distribution channels throughout the country, creating high barriers to entry for new publications. The editorial positions of both publications are considered center-right to right-wing in orientation. In radio, the Spanish group Prisa owns 60 percent of open-air broadcast stations and commercial radio owners work with government prosecutors to shut down alternative and community stations, which find it difficult to obtain licenses or finance production. Kimche, a Mapuche radio station, may be forced to close for its “interception of telecommunications” as a result of a complaint filed by Gilberto Santana, a local councilor and owner of commercial station Radio Lanco.

There are no government restrictions on the internet, which was accessed by 54 percent of the population in 2011. In 2010, a net-neutrality law went into effect, and it forbids internet service providers from restricting or interfering with content or access to content by users.

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