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FREEDOM OF THE PRESS

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Chile

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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 country's return to democracy, often leading to public outcry and, in some cases, the abrogation of laws. In addition, 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). In January 2012, a legal provision proposed by Interior Minister Rodrigo Hinzpeter that would have empowered the police to demand video and other electronic media from journalists was withdrawn following public objections and protests in Santiago. Chile enacted a freedom of information law in 2008, and advocates consider its implementation generally satisfactory.

Amendments in 2010 to a 1994 community radio law allowed community broadcasters 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, President Sebastián Piñera, a conservative businessman and former television network owner, has not promulgated the law, 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 outlets that broadcast without a license.

Journalists continued to face harassment by police in 2012, even as the previous year's mass political protests against the Piñera government's educational and environmental policies subsided somewhat. As in 2011, photojournalists were especially targeted, with incidents spiking in late February and early March. In February, the militarized *carabinero* police force assaulted a photographer and arrested Jason Suder, an American photojournalist for the English-language *Santiago Times*, while they covered protests in Santiago. Police also attempted to confiscate the Suder's footage of the protests. In Aysén, an isolated region of Patagonia where a hydroelectric project has spurred widespread protests, a cameraman for television station Canal 3 was arrested during a police crackdown on demonstrators in March. In April, a provincial court refused to issue an order protecting Canal 40 TV Aysén's video of the protest from police confiscation. The station's director, Samuel Chong Rivera, asked for the order after police came to his home demanding the recordings. During the March protests in Aysén, the website of Radio Santa María, an affiliate of Canal 3, was repeatedly disrupted and one of its reporters, Rodrigo Labarca, was roughed up during coverage of a protest.

Journalists covering marginalized communities for community radio stations and indigenous Mapuche media outlets continued to be harassed in 2012. In August, police in the Araucanía region used Section 36B of the General Law on Telecommunications to confiscate broadcasting equipment from community radio station Radio Vecina and temporarily detain employee Victor Díaz. Reporters Without Borders reported that indigenous stations Kimche Mapu in Araucanía, Radio Lógica in greater Santiago, and Radio Galáctica near Valparaíso have faced similar threats under Section 36B.

In November, police detained Pedro Cayuqueo Millaqueo, editor of the periodicals *Azkintuwe* and the *Mapuche Times*, soon after he published a book on clashes between the Mapuches and the government over land disputes. Cayuqueo was stopped by carabineros on the highway and detained on an arrest warrant from

1999. The warrant stemmed from a case that had been decided years earlier, and for which Cayuqueo had already served time in prison. Cayuqueo was released several hours after being stopped, but Reporters Without Borders alleged that his detention was political and intended to serve as a warning to others reporting on the land disputes.

Journalists were also harassed as a result of their reporting on the Pinochet dictatorship. In December 2012, unidentified thieves stole recordings and other files from four investigative reporters who had written or were writing books on abuses during the dictatorship. Those targeted were Mauricio Weibel, Javier Rebolledo, Juan Cristóbal Peña, and Pascale Bonnefoy, each of whom had computer equipment stolen. All are high-profile journalists, and Weibel is the correspondent for the German agency DPA and a leader of the South American Union of Correspondent Associations.

There had been no arrests in the November 2011 homemade bomb attack on the installations of offices of media company Copesa.

Copesa, one of Chile's two main media companies, publishes mainstream daily *La Tercera*. The other main media conglomerate is El Mercurio; together the two companies own over 90 percent of the country's newspapers. 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 outlets owned by both El Mercurio and Copesa are considered center-right to right-wing in orientation. Advocates of media pluralism worried that the government's decision in September 2012 to close the online publication *La Nación*, in which the state held a 70 percent share, would further concentrate media ownership. Its print edition had already been closed in 2010. Chile's broadcast television landscape is more diversified, with seven nationwide free-to-air channels, though rumors that the state television network Televisión Nacional would soon be privatized sparked concern about increased concentration in that sector as well. In Chile, state-owned media have a higher degree of editorial independence than elsewhere in Latin America, and offer a contrast to commercial news media output.

In radio, implementation of a 2010 law facilitating the reallocation of frequencies to community radio broadcasters has been hindered by Spanish-owned market

giant Iberoamericana Radio Chile, which in August 2012 resisted signing an agreement with the state to rationalize frequencies, thereby leaving the matter to the courts.

There are no government restrictions on the internet, which was accessed by more than 61 percent of the population in 2012, and there were no verified reports of the government monitoring journalists' electronic communications without judicial oversight.

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