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Freedom House

Freedom in the World 2018 - Chile

Year:

2018

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

94

Freedom Rating:

1.0

Overview:

Chile is a stable democracy that has experienced a significant expansion of political rights and civil liberties since the return of civilian rule in 1990. Ongoing concerns include corruption and unrest linked to land disputes with the indigenous Mapuche population.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Presidential elections in Chile are widely regarded as free and fair. The president is elected to a four-year term, and consecutive terms are not permitted. Piñera was elected in December 2017 to serve his second term; he had served as president previously, from 2010 to 2014.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The Senate's 38 members serve eight-year terms, with half up for election every four years, and the 120 members of the Chamber of Deputies are elected to four-year terms. Since 1990, congressional elections have been widely regarded as free and fair.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Chile's electoral framework is robust and generally well implemented. The 2017 legislative polls were the first to take place under new rules that established more proportional districts, and increased the number of seats in both houses. The Chamber of Deputies now has 155 seats, up from 120 previously. The number of Senate seats was increased from 38 to 50, but the new seats will be introduced gradually, with the Senate reaching its new 50-seat capacity in 2022.

Chile still operates under a constitution drafted during the dictatorship of Augusto Pinochet, though in 2017 lawmakers were working to reform it.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Chile has a multiparty political system with dominant center-right and center-left coalitions, though the center-left coalition fractured in 2017, contributing to the strong showing by Chile Vamos in the year's elections. Parties operate freely, and many new parties have emerged in recent years.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power alternation between parties occurs regularly, both in Congress and for the presidency. In 2014, center-left President Michelle Bachelet succeeded conservative President Sebastián Piñera, who in turn will succeed Bachelet in 2018.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

People are generally free to exercise their political choices without undue influence from actors that are not democratically accountable.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women are represented in government, and the new electoral system includes a quota for women in the legislature. However, the presence of women in Congress and in other government positions does not guarantee that their interests are represented, and women report difficulty gaining influence in intraparty debates.

The interests of the Mapuche minority, which represents about 9 percent of the population, are present in political life, with Mapuche activists regularly making their voices heard in street demonstrations. However, this activism has yet to translate into significant legislative power. In November 2017, two candidates from the Mapuche indigenous group were elected; one to the Senate and one to the Chamber of Deputies.

Indigenous people have been consulted in the ongoing drafting of a new constitution, but activists claim that key issues are still not being addressed during the process.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

While lobbying and interest groups exist and work to shape policy, there is little significant intervention by actors who are not democratically accountable in the policymaking process.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Anticorruption laws are generally enforced, though high-level corruption scandals crop up with some regularity. In 2017, members of the militarized *carabineros* police force were implicated in an embezzlement scandal worth some \$40 million. Corruption scandals dented Bachelet's popularity during her presidency, as well as that of her coalition. One of the major right-wing parties, Independent Democratic Union, has also been involved in a campaign-finance scandal in recent years.

C3. Does the government operate with openness and transparency? 3 / 4

The government operates with relative transparency. In 2009 the Transparency and Access to Public Information Law came into force; it increases public access to information and created a Council on Transparency. Agencies have generally been responsive to information requests, and failures to comply with the law or other measures designed to encourage transparent operations have been punished with fines.

However, the legislature has limited ability under the constitution to supervise or alter the executive budget. Moreover, a legal provision reserves 10 percent of copper export revenues for the military, with little independent oversight.

CIVIL LIBERTIES: 57 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Guarantees of free speech are generally respected, though some laws barring defamation of state institutions remain on the books. Media ownership is highly concentrated.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for religious freedom, and the government generally upholds this right in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is unrestricted.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Chileans enjoy open and free private discussion.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The right to assemble peacefully is generally respected, though protests are sometimes marred by violence. In 2017, clashes between demonstrators and police erupted at several large demonstrations, including one comprised of Mapuche activists, and at a student protest at which demonstrators called for free education. In July, skirmishes broke out between conservative and LGBT (lesbian, gay, bisexual, and transgender) demonstrators, and police employed water cannons and tear gas in an effort to separate them.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) may form and operate without interference. A number of NGOs working on governance and rights groups operate, including ones that address inefficiencies and other problems in the courts, and hazardous conditions in prisons.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

There are strong laws protecting worker and union rights, but antiunion practices by private-sector employers continue to be reported.

F. RULE OF LAW: 14 / 16

F1. Is there an independent judiciary? 4 / 4

The constitution provides for an independent judiciary, and the courts are generally free from political interference.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The right to legal counsel is constitutionally guaranteed and due process generally prevails in civil and criminal matters. However, indigent defendants do not always receive effective legal representation.

Rights groups and the United Nations have criticized the government's use of antiterrorism laws, which do not guarantee due process, to prosecute acts of violence by Mapuche activists.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The government has developed effective mechanisms to investigate and punish police abuses and corruption. However, excessive force and human rights abuses committed by the *carabineros* still occur.

The slow and delayed repatriation of the ancestral land of the Mapuche indigenous group has been a cause of years of violent protest, and a number of arson attacks led by Mapuche activists took place in 2017. Targets included churches and equipment belonging to logging operations. In September, security forces, including the *carabineros*, launched a series of sometimes-violent raids in the south of the country, leading to the arrest on arson charges of eight Mapuche community leaders.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

While indigenous people still experience societal discrimination, their poverty levels have declined somewhat, aided by government scholarships, land transfers, and social spending. In 2017, Bachelet offered a formal apology to the Mapuche for "errors and horrors" committed against them by the state.

LGBT people continue to face societal bias, despite a 2012 antidiscrimination law that covers sexual orientation and gender identity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

The constitution protects the freedom of movement, and the government respects this right in practice.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Individuals generally have the right to own property and establish and operate private businesses, and are able to do so without interference from the government or other actors. However, Mapuche activists continue to demand territorial rights to land, ancestral waters, and natural resources.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

The government generally does not restrict personal social freedoms. However, violence against children and women remains a problem. In July 2017, the Chamber of Deputies rejected a report by a congressional investigating committee that documented governmental negligence of children in state care. The opposition accused the Bachelet administration of lobbying to reject the report in an effort to protect a former minister.

A law against femicide went into force in 2010, but gender violence remains, and dozens of femicides were reported in 2017.

In September 2017, a law introduced by Bachelet that decriminalized abortion in the events of rape, an inviable fetus, or danger to the life of the mother, took effect.

A 2015 law recognizes civil unions for same-sex and opposite-sex couples.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

While compulsory labor is illegal, forced labor, particularly among foreign citizens, continues to occur in the agriculture, mining, and domestic service sectors.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology (<https://freedomhouse.org/report/methodology-freedom-world-2018>)

ecoi.net summary:

Annual report on political rights and civil liberties in 2017



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