



Freedom in the World 2013 - Chile

Publisher [Freedom House](#)

Publication Date 5 March 2013

Cite as Freedom House, *Freedom in the World 2013 - Chile*, 5 March 2013, available at: <http://www.refworld.org/docid/5139c259c.html> [accessed 5 November 2013]

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2013 Scores

Status: Free
Freedom Rating: 1.0
Civil Liberties: 1
Political Rights: 1

Overview

President Sebastián Piñera of the center-right Coalition for Change continued in 2012 to struggle with student demonstrations that brought much of the country to a halt the previous summer. Student demands for universal free higher education were not placated by the administration's moderate policy response. Tensions between Chile's Mapuche Indians and the government escalated in response to a series of devastating forest fires in January. In May, Congress passed a landmark antidiscrimination law.

The Republic of Chile was founded after independence from Spain in 1818. Democratic rule predominated in the 20th century until 1973, when General Augusto Pinochet led a military coup against President Salvador Allende. An estimated 3,000 people were killed or "disappeared" under Pinochet's regime. The 1980 constitution provided for a plebiscite in which voters could bar another presidential term for the general. When the poll was held in 1988, some 55 percent of voters rejected eight more years of military rule, and competitive presidential and legislative elections were scheduled for the following year. Christian Democrat Patricio Aylwin of the center-left bloc Concertación (Coalition of Parties for Democracy) won the presidential vote, ushering in an era of regular democratic power transfers as well as two decades of Concertación rule.

In the first step in what would become a years-long effort to hold Pinochet responsible for his regime's human rights atrocities, the former leader was detained in London in 1998 under an extradition order from Spain. After being released for health reasons in 2000, he returned to Chile, where he was eventually indicted in 2004 for tax evasion and two outstanding human rights cases. A September 2006 Supreme Court decision cleared the way for his trial, but Pinochet died in December of that year.

Michelle Bachelet, who served as health and defense minister under the outgoing Concertación president, won the 2006 presidential election. Bachelet presided over popular spending projects, including the construction of new hospitals, homes, and nursery schools.

Sebastián Piñera of the center-right Coalition for Change was elected president in January 2010. The new administration was challenged by a massive earthquake that struck Chile in late February, but Piñera was able to carry out effective reconstruction due to the nation's sound public finances. The government also assumed full control over the rescue of 33 miners who were trapped by accident in a gold and copper mine in northern Chile in August. Their successful rescue 69 days later boosted Piñera's popularity as well as Chile's international image. In response to the incident, Chile ratified an International Labour Organization convention in April 2011 on occupational safety and health.

Piñera's popularity was short-lived; massive student protests and strikes began in April 2011, developing into one of Chile's most intractable political problems in decades, with hundreds of thousands of students taking to the streets. The students demanded a major overhaul of the country's largely privatized education system, including free public college education. Although the Piñera administration responded by replacing the education minister in 2011 and promising increased spending on education, demonstrations continued into 2012. Tax reforms adopted in September 2012 raised corporate tax levels and closed loopholes in order to finance increased education funding; education spending will increase to \$12.8 billion in 2013, up from \$7.9 billion in 2009. The plan will also finance increased scholarships for higher education and reduce the annual interest rate on all student loans from 6 percent to 2 percent. Meanwhile, the government was criticized for its handling of the protests, including claims of illegal detention and torture of student protestors and journalists, and Piñera's approval rating hovered between 25 percent and 30 percent for much of the year.

Political Rights and Civil Liberties

Chile is an electoral democracy. The president is elected for a single four-year term. The Senate's 38 members serve eight-year terms, with half up for election every four years, and the 120-member Chamber of Deputies is elected for four years. In 2005, the Senate passed reforms that repealed some of the last vestiges of military rule, ending authoritarian curbs on the legislative branch and restoring the president's right to remove top military commanders. Municipal elections held in October 2012 were considered free and fair.

The major political groupings in Chile include the center-left Concertación, composed of the Christian Democratic Party, the Socialist Party, the Party for Democracy, and the Social Democratic Radical Party; the center-right Alliance coalition, consisting of the Independent Democratic Union and the National Renewal party; and the Communist Party. The Coalition for Change, encompassing the Alliance coalition, independents, and some Concertación defectors, was formed in 2009.

Congress passed significant transparency and campaign-finance laws in 2003 that contributed to Chile's reputation for good governance. A 2007 law further improved transparency by offering protections for public employees who expose corruption. Chile was ranked 20 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Guarantees of free speech are generally respected, though some laws barring defamation of state institutions remain on the books. The print media are dominated by two right-leaning companies, but the television market is considered highly diverse. A freedom of information law enacted in 2008 was praised by civil society groups. However, in 2012, many members of the press were detained and harassed by the police while covering student protests. There are no government restrictions on the internet.

The constitution provides for freedom of religion, and the government generally upholds this right in practice. The government does not restrict academic freedom.

The rights to form nongovernmental organizations and to assemble peacefully are largely respected. Although the government regularly granted permits for the student demonstrations beginning in 2011, police allegedly used excessive force against protesters. Despite laws protecting worker and union rights, antiunion practices by private employers are reportedly common.

The constitution provides for an independent judiciary, and the courts are generally free from political interference. The right to legal counsel is constitutionally guaranteed, but indigent defendants have not always received effective representation. Over 75 percent of the some 3,000 documented "disappearances" under military rule have been heard by courts or were under court jurisdiction by the end of 2012. Further, Chilean courts have convicted hundreds of military officers of committing heinous crimes during military rule, though sentences have tended to be lenient.

The government has developed effective mechanisms to investigate and punish police abuse and corruption. However, excessive force and human rights abuses committed by the Carabineros – a national police element of the armed forces – still occur. In August 2012, the Carabineros allegedly used excessive force against members of the Mapuche indigenous community when breaking up a land occupation. Chile's prisons are overcrowded and increasingly violent. Inmates suffer from physical abuse as well as substandard medical and food services.

A bill that would remove a relic of the former regime – the Copper Reserve Law – which obliged the state-owned copper producer Codelco to transfer 10 percent of its earnings to the military was introduced in early 2010. Public support for stopping the automatic military transfer increased after the massive reconstruction costs resulting from the February 2010 earthquake. The Lower House unanimously voted to end the copper law in July 2012; it awaited Senate approval at year's end.

Approximately 1 million Chileans identify themselves with indigenous ethnic groups. While they still experience societal discrimination, their poverty levels are declining, aided by government scholarships, land transfers, and social spending. A 1993 law officially recognized the Mapuche and paved the way for the return of their land, but rather than appeasing the Mapuche, it prompted additional land claims, land seizures, and violence. Over 30 Mapuche accused of such attacks participated in an extended hunger strike in 2010, which prompted a change to Chile's antiterrorism law. The law, which dated to the Augusto Pinochet era, had allowed for secret witnesses, pretrial detention, and the use of military courts in trying Mapuches accused of employing arson and other violent means to reclaim ancestral lands. As amended by Congress in September 2010, the new law presumes innocence and carries a reduced sentence for arson. However, in a worrisome development, President Sebastián Piñera invoked the old antiterrorism laws to pursue the perpetrator of a spate of forest fires allegedly started by Mapuche activists in January 2012. The "Plan Araucanía" – a development plan for the southern Araucanía area, one of Chile's poorest regions and the homeland of the Mapuche – was implemented in August 2012. The plan financed construction of new schools and hospitals, funded the building of new roads, and provided financial support to victims of violence.

President Michelle Bachelet made great strides to reduce gender discrimination, including appointing women to half of the positions in her cabinet. She also enacted new laws to increase women's labor rights and to eliminate the gender pay gap. However, violence against women and children remains a problem. The Piñera administration passed landmark legislation in 2011 banning all types of human trafficking for the purpose of labor or sexual exploitation. Congress passed an antidiscrimination law in May 2012 that had been stalled in the legislature for seven years; its swift approval was prompted by the brutal beating and subsequent death of a gay man in

Santiago in March 2012. The new law allows people to file antidiscrimination lawsuits, and includes hate-crime sentences for violent crimes.

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