

IFLA/FAIFE World Report: Libraries and Intellectual Freedom



Chile

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Chile is a relatively small country, although with an extensive territory, located in South America, with a population of 14 million inhabitants. For decades, Chile perceived itself and was perceived by others as an insular and isolated place. However, it has been much more linked to global processes of economic and political development than is commonly believed. In fact the huge political and social changes brought about in the last thirty years in Chile were greatly influenced by the transformations taking place in the world scene. Amongst these changes must be mentioned the socialist experiment led by President Salvador Allende, the military coup of 1973 and the process of transition to democracy initiated in 1989.

Population:	14,421,000 (1996)
GNP per capita:	\$ 4,860 (1996)
Government / Constitution:	Republic
Main languages:	Spanish
Main religions:	Roman Catholicism
Literacy:	95% (1995)
Online:	4,12% (April 2000)

The dictatorship imposed in 1973, which lasted for 17 years, transformed Chile through the imposition of a neo-liberal economic policy, starting with a reduction in the size of the State and the privatisation of the big State-owned companies. In the political arena, the Congress (parliament) was closed, political parties were prohibited and the Unions confronted huge obstacles in carrying out their work due to the detention and death of thousands of their leaders and members.

During the dictatorship, the governing group formulated a new Constitution, which introduced important changes in the political system and the political parties, amongst those the creation of a series of organisations and non-elected bodies who took part in the decisions of the State and the institutionalisation of the Armed Forces in a supervisory role with respect to the political life of the country. In 1989, as a result of a plebiscite organised to ask whether the dictator should continue in power, the regime received an overwhelming defeat, starting the process of return to democracy which took place in 1990 with the election of President Patricio Aylwin, leader of a consortium of parties for democracy, the same coalition which actually governs today.

Since then, the democratically elected authorities have confronted multiple obstacles in carrying forward a real process of democratising the society not least of which being the political and institutional "barriers" left by the dictatorship. Amongst these there are two especially important aspects that have negatively affected intellectual freedom and freedom of expression: the reduction in the size of the State, and above all, its level of support and involvement in cultural development; as well as a series of legal decrees restricting these liberties.

Situation of the Libraries in Chile

Unfortunately, adequate, accurate information about libraries and other cultural institutions in general in Chile is sadly lacking and at best there is only a very partial knowledge of their characteristics and situation. Collection of this data is one of the most pressing tasks that needs to be undertaken at present.

According to the information available, 1,995 libraries exist in Chile: 330 of these are public, 324 university libraries, 1,197 school libraries and 104 specialised libraries. In total, they hold 16,327,945 books and provide services to 27,721,950 readers. Considering just the 330 public libraries, the only ones open to the general public, there is a library in Chile for each 42,442 inhabitants and one book per 238 inhabitants.

Between 1992 and 1997 the libraries increased in number from 1,506 to 1,955 at the national level. This figure does not reflect a series of initiatives developed by the National Co-ordination of Public Libraries (an dependent organisation of the Ministry of Education), which has brought books to many readers outside the traditional library setting via book mobiles, book lending points in the metros (underground public transport), travelling boxes of books etc. The Ministry of Education has also supported a programme of developing school libraries. However, all these efforts are still insufficient. The availability of library services, traditionally unequal across the society, continues to be the same, impeding the satisfaction of the growing bibliographic needs of the population. This situation has become even more apparent with the rise of new technology and the increase in the volume and complexity of the information.

This quick resume of the situation is paradoxical when it is taken into account that the institutionality of libraries in Chile was developed very early in Chile's history. The legislation relating to libraries was one of the first laws of the new

Republic of Chile while the National Library was founded in 1813, just three years after the birth of Chile as an independent nation. However, the excessive generality of these laws and the fact that there was not an accompanying permanent commitment by the State and a key group of people in the society to guarantee the necessary financial and human resources meant that the newly born institutions did not consolidate a system of libraries.

In terms of human resources, systematic training of librarians in Chile started with the creation of the School of Library Science at the University of Chile in 1959. Currently there are only two schools for offering courses in librarianship and the opportunities for professional development after this are almost non-existent, with the exception of recently developed post-graduate course for librarians.

In summary, the lack of human and financial resources, as well as adequate infrastructure, has made it difficult to offer the library and information services necessary to contribute to the formation of a society based on the free flow of information, knowledge and diverse cultural expressions. Currently, this is a right that is accessed only by those with sufficient buying power. In this context it must be noted that compared with the other countries in Latin America, Chile has one of most regressive economies in terms of distribution of income.

Limitations to Intellectual Freedom and Freedom of Expression

An examination of some cases of censorship or sanctions against a variety of cultural and informative activities in Chile clearly shows full intellectual freedom and freedom of expression is seriously compromised. Many different and complex factors have contributed to this situation, amongst which much be mentioned the dismal political and legal inheritance left by the military dictatorship, and no less important, the consolidation in certain sectors of the society of the authoritarian viewpoint which legitimises and defends the application of censorship and exclusion of information.

The following are some of the mechanisms that are being used to control of free flow of information and restrict freedom of expression:

- The laws which penalise disrespect towards authoritarian institutions or figures and the corresponding jail sentences or fines for people found guilty "offensive expressions" by high level State employees.

The Inter-American Commission for Human Rights has considered this type of law "incompatible with Article 13 of the American Convention of Human Rights as it restricts the freedom of expression necessary for the due functioning of a democratic society." Notwithstanding, many journalists have been judged using these laws. The most recent case is that of the journalist Alejandra Matus, who had to leave the country in June last year to avoid the sanctions applied against her under this law. At the same time, her book *El libro negro de la justicia chilena* (The Black Book of Chilean Justice) was requisitioned and could not be sold or distributed in Chile and the representatives of the publishing house were detained in custody.

- The power which judges possess to prohibit the circulation of a publication or the screening of a film, by the use of a legal injunction brought about by individuals or institutions that consider themselves affected.

Injunctions of this type have been used against various books in recent years, resulting in the situation where an author has been condemned for a work that could not even be circulated or read. This was the case with the journalist Francisco Martorell who was tried for his book *Impunidad Diplomática* (Diplomatic Immunity) as a result of an injunction brought by the an important business man who was mentioned in the book. In respect to this the Inter-American Commission for Human Rights pronounced in 1996 that censorship exists in Chile and that it is being carried out by the State of Chile.

The same situation arose with the film, *The Last Temptation of Christ* by the director Martin Scorsese. Prohibited by the Film Assessment Board, it was then authorised to be shown, however, the courts accepted a request for an injunction presented by a conservative and fundamentalist organisation, which prohibited the showing of the film.

- The ability of the judges to prohibit all public information about a legal trails

Protected by this provision, magistrates are in the habit preventing access to the relevant information for periods that in many cases for months at a time. Still more serious is the fact that many of the cases subject to this prohibition have had clear political connotations, amongst them investigations into human rights abuses committed during the dictatorship.

- The powers of the *Consejo de Calificación Cinematográfica (CCC)* (Film Assessment Board) and the *Consejo Nacional de Televisión* (National Council for Television) to control the audio-visual media and apply diverse forms of censorship.

The CCC was created, with its same powers, in 1974, under the military dictatorship. It is made up of representatives from the judiciary, the Armed Forces, the Ministry of Education and the Council of Chilean University Rectors. During the last ten years, the Council has assessed around 9,000 films for cinema and video release, with a level of refusal, according to official figures, of 1.6% for films for cinema and 5% for

videos. The films that have been censored include: *The Last Tango in Paris* by Bernardo Bertolucci, *Bilbao and Arrebato* by the Spanish director, Pedro Almodóvar, *Huevos de oro y Jamón, Jamón* by the Catalan director Bigas Luna and *Latent Image* by the Chilean director Pablo Perelman.

By contrast, the National Council for Television, a regulating body for the television industry, whose members are named by the Senate, has applied numerous sanctions against films which have been considered to harm the "permanent respect" which is owed to "the moral and cultural values of the nation" (in virtue of the General Standard for Contents which cover television transmissions). As is well recognised, these concepts are open to diverse and ever-changing interpretations, depending upon the morals and beliefs of the censors. The censorship criterion is obviously excessively wide and discretionary.

These sanctions have been applied to films and a wide range of television programmes, including advertisements. In some cases the directors of various television stations have vetoed certain educational programmes and advertisements, such as those dealing with the prevention of AIDS, that were censored for "moral" reasons due to the fact that they promoted the use of condoms.

- Self-Censorship is another mechanism that limits the freedom of expression.

Given the existence of many means of censorship, control and sanction in Chile, the editors of the means of communication tend to self-censorship in order to avoid the consequences. This is particularly the case for television, both open access and cable. In 1996, for example, a programme about the use of torture by the police was not shown as a result of official pressure. Also, various films have been drastically edited for television or not shown, for fear of the fourteen different infractions that could be applied, all related to the content of the programming.

Although it is clear that there are many difficulties and obstacles to overcome in changing the current situation in Chile with respect to intellectual freedom and freedom of expression, it must be accepted that the initiatives undertaken by the sectors involved, including the government and the Parliament, have been insufficient. Some laws proposed to modify the situation have rested many years in Parliament, waiting for the legislative formalities. In the meantime, the same restrictive measures continue to be applied.