



Chile Report

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Sustainable Governance Indicators 2022

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Executive Summary

The period under review was characterized by social unrest, political realignment and economic struggles due to the massive, in some cases violent protests that had taken place by the end of 2019, as well as the impact of the coronavirus pandemic. Even before the onset of the pandemic, the government's response to the social unrest had already divided the country. According to statistics from the Public Prosecutor's Office and the National Institute for Human Rights (Instituto Nacional de Derechos Humanos, INDH) compiled by Amnesty International (AI), as of March 2021, there had been more than 8,000 victims of state violence and more than 400 cases of eye trauma resulting from the improper use of "less lethal" weapons by the police. At least 23 people died during the protests and about 5,000 were detained. At the same time, total damages to public and private property caused in the context of the social unrest were estimated at \$1.4 billion, and the estimate of associated job losses exceeded 140,000. As a consequence of the public pressure, the Agreement for Social Peace and the New Constitution (Acuerdo Por la Paz Social y la Nueva Constitución) led to a plebiscite that paved the way for the drafting of a new constitution. The Constituent Convention began its work on 4 July 2021, and is expected to present a new constitution that will be voted on via a binding exit-plebiscite (under mandatory voting) by the end of 2022.

Thanks to a consistent fiscal policy over the past few years, the government was able to initiate relatively rapid measures to try to mitigate the economic and employment impact of the pandemic. Chile is characterized by a high coronavirus vaccination rate compared to other Latin American countries, but also compared with OECD member countries, as 86.58% of the population was fully vaccinated by the end of the period under review. Beyond the economic pressure, the political crisis has been a crucial factor in the management of the COVID-19 pandemic and the government's response to the social demands. In this context, the state budget has been severely tested, and the government was unable to implement most of its reform initiatives.

The traditional party system that had structured the political competition since the democratic transition is no longer existent. New actors and political forces have entered the political arena, and are building variable constellations. After a highly polarized pre-election phase, Gabriel Boric of the left-progressive

alliance Broad Front (Frente Amplio), which was founded in 2017, was elected as Chile's youngest president ever (36 years old as he assumed the presidency) after a runoff against José Antonio Kast of the far-right Christian Social Front (Frente Social Cristiano).

Chile is a particularly heterogeneous country, yet economic and political power remain highly centralized in the capital Santiago. Consequently, regional and local interests are often insufficiently reflected in national policymaking. Unresolved ethnic conflicts often trigger a response by the state that, at times, fails to respect the civil and political rights of ethnic minorities (e.g., the Mapuche). This situation has become even more salient as the number of recorded terrorist attacks with alleged ethnic backgrounds has increased significantly in recent years. In addition, certain forms of political discrimination inherited from the military dictatorship remain.

Chile is a high-income country, and as such, has not been eligible for official development assistance (ODA) since 2017. It is ranked best among the Latin American countries on the Human Development Index. However, several structural factors still produce inequality and exclusion. Its economy is highly open but extremely dependent on copper exports, and is consequently vulnerable to commodity-price volatility. Competitiveness is negatively affected by collusion and in some senses by corruption. Nevertheless, Chile has the region's strongest macroeconomic framework and independent institutions. The fact that Chile was able to hold many different elections (plebiscite on the new constitution, regional governors, presidential and parliamentary elections) under quite challenging public health conditions prove that the South American country has solid democratic institutions. A further indicator of this is the ongoing constitutional process.

Citation:

United Nations' Office for Human Rights (OHCHR), "Mission Report", December 2019, <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=S>, last accessed: 13 January 2022.

National Institute for Human Rights (INDH), "Annual Report 2019", November 2019, <https://bibliotecadigital.indh.cl/handle/123456789/1701>, last accessed: 13 January 2022.

National Institute for Human Rights (INDH), "Annual Report 2020", December 2020, <https://bibliotecadigital.indh.cl/handle/123456789/1721>, last accessed: 13 January 2022.

Centro de Estudios Públicos (CEP), "Estudio Nacional de Opinión Pública N°85, Agosto 2021", August 2021, https://www.cepchile.cl/cep/site/edic/base/port/encuesta_inicio.html, last accessed: 13 January 2022.

Key Challenges

Although Chile has undergone a far-reaching and successful modernization process in recent years, it still faces serious challenges. Internationally, for example, it remains in a number of respects behind many industrialized countries. Domestically, there remains a very significant distance between the privileged rich and the marginalized poor; a core demand of the massive social protests that arose in 2019 was to close this gap. The pandemic forced the government to drastically adapt its already modified agenda. There is an urgent need for structural reforms in the education, health and social protection areas, and especially in pension systems, not only to catch up with other OECD member states, but also to preserve social peace and ensure a stable economic environment.

Long-term challenges:

Chile has been facing the same long-term challenges for a number of years. Political and strategic planning are undermined by a lack of state capacities and instruments that would ensure that policymaking adopts a medium- to long-term perspective, especially in the case of social, economic and ethnic issues. Chile is one of the most centralized OECD countries despite its economic, geographic and ethnic diversity; this fact hampers efficiency. Over the last decade, macroeconomic performance has been positive and stable, and poverty has been significantly reduced, but large socioeconomic disparities remain. These permeate the whole of the social system, but the negative impact is felt particularly within the education, healthcare and pension systems. The lower-middle class is highly indebted and under strong social pressure to consume. Many middle-income families struggle to maintain their living standards; if one wage earner loses a job or falls ill, families almost immediately have to significantly lower their living standard. The enormous gap between the quality of the poorly funded public educational system (where per student expenditure tends to be less than half the OECD average) and its expensive private counterpart renders the elimination of structural poverty and socioeconomic disparities much more difficult. All of these structural problems were further highlighted and, in some cases, exacerbated by the impact of the COVID-19 pandemic. A new constitution that extends (social and economic) rights and redefines the relationship between state and market might be the right step to overcome these structural deficits, but there is no guarantee that it will be successful in doing so. Regarding environmental protection, a central challenge will be the management of water stress. At present, most of the water basins and water sources are overexploited or at the

limit of their capacities. The burgeoning water crisis will have a major impact not only on the environment as such, but also on the economy and general living conditions. Chile is the only country that explicitly enshrines private ownership of water rights.

Short- and medium-term challenges:

In the general election of November 2021, Gabriel Boric from the left-progressive alliance Broad Front (Frente Amplio), founded in 2017, was elected president. Taking office at the age of 36, he is the youngest president in Chile's history. Due to the high number of political parties of recent creation that form Boric's coalition, it might be difficult for him to generate cohesion within his cabinet, and thus to coordinate a well-functioning government. He will also have to search for constructive dialogue with the Congress. Any reform initiative will have to pass the Chamber of Deputies and the Senate, in which Boric lacks a clear majority; both houses are divided into two balanced blocs. The new government is expected to consider a large boost to social spending, an increase in taxes on high-income earners and the mining sector, and the introduction of carbon taxes. Furthermore, the decentralization agenda and the reform of the health and pension systems will be essential topics for the new government. Thus, the ability to reach consensus will be decisive in order to implement the ambitious government program in a context in which the configuration of the traditional political parties is changing. At the same time, the high expectations caused by this atypical and highly polarized presidential election, the prospect of a new constitution and the (macro-)economic conditions left by the COVID-19 pandemic have placed vast amounts of pressure on national politics, and especially on the new government. Restoring credibility and trust in political and public institutions will be crucial to ensure successful governance in the short- and medium-term.

Boric (together with the Congress) will also be responsible for organizing the referendum on the replacement of the constitution. If the new constitutional text is accepted in the mandatory plebiscite, Boric will also have to contribute – along with the legislature – to the implementation of those (legal, institutional, political and economic) changes stipulated by the new constitution. He may thus be the last president acting under the so-called Pinochet constitution.

Citation:

The president-elect's Programmatic Proposal (Propuesta Programática):

Boric Presidente, <https://boricpresidente.cl/propuestas>, last accessed: 13 January 2022.

On the water crisis

Universidad de Chile – Centro de Economía de los Recursos Naturales y el Medio Ambiente (CENRE), "Prioridad para consumo humano: El único mínimo común de los constituyentes en torno al agua", 21 May 2021, <https://www.gestionhidricamapochoalto.cl/prioridad-para-consumo-humano-el-unico-minimo-comun-de-los-constituyentes-en-torno-al-agua>, last accessed: 13 January 2022.

Pontificia Universidad Católica de Chile, “Estudio identifica a Chile como el único país con expresa propiedad privada de derechos de agua”, 30 March 2021, <https://www.uc.cl/noticias/estudio-a-92-consituaciones-identifica-a-chile-como-el-unico-pais-con-expresa-propiedad-privada-de-derechos-de-agua>, last accessed: 13 January 2022.

Party Polarization

Since the return of democracy, political polarization in Chile has been strongly characterized by the legacy of Augusto Pinochet’s military regime: opponents vs. supporters, or critics vs. apologists. The initial binominal electoral system, which was modified in 2015, strengthened the tendency to build two different competing ideological alliances or blocks for election campaigns and government or parliamentary work. Therefore, party polarization as such has not been a major obstacle for policymaking in the past. In general, the search for consensus rather than conflict has prevailed among political actors (and voters) since the transition to democracy.

However, the political-party landscape has changed substantially since the 2017 presidential elections, especially within the traditional center-left alliance of the Nueva Mayoría and the Frente Amplio alliance, the latter of which has emerged as an alternative to the traditional center-left coalition. The primaries of 2021, by which the different coalitions selected their presidential candidates, and the later results of the presidential and parliamentary elections consolidated this tendency. For instance, for the first time, neither of the two final candidates making it to the presidential runoff election of 2021 belonged to the traditional ideological alliances. As the result of this election, the relatively new Broad Front (Frente Amplio) will also provide the next president.

Although there was a significant increase in party polarization due to the social crisis of 2019, parliament finally reached an agreement on the referendum through which the country voted to establish a new constitution. With the advent of the COVID-19 health crisis, the growing party polarization has rather eased slightly, considering that cross-cutting agreements were reached relatively quickly between the government and the opposition regarding the public health and economic measures implemented to date. One of the most discussed and controversial issues during the period under review was the early withdrawal of pension savings.

Between 2007 and 2018 (latest survey), party polarization has been slightly lower than the OECD average, as the SGI dataset on ideological polarization in party systems highlights. At the same time, trust in politicians has shown a constant decline since 2011, and is also lower than the OECD average. (Score: 7)

Citation:

CADEM, “Plaza Pública N° 360 – 7 de Diciembre”, 7 December 2020, <https://www.cadem.cl/encuestas/plaza-publica-no-360-7-de-diciembre>, last accessed: 13 January 2022.

Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 7

Chile has an advanced macroeconomic and financial policy regime in place. This is rule-based and combines a floating exchange rate, inflation targeting, an autonomous central bank, an overall government budget rule, and effective regulation and supervision of banks and capital markets. As a result, macroeconomic performance has generally been quite satisfactory. A dominant economic role is assigned to foreign trade, markets and the private sector, complemented by active government regulation and policies aimed at limiting noncompetitive market conditions, extending social protection, and – to a limited degree – reducing poverty and income concentration. Economic legislation and regulation provide a level playing field for domestic and foreign competitors. Barriers to international trade and capital flows are negligible, and international competitiveness, adjusted for labor productivity, is relatively high. These policies have enabled a relatively high level of growth, and poverty rates have fallen substantially in the last few decades.

The rise of social unrest by the end of 2019, the subsequent COVID-19 pandemic and the uncertainty that a new constitution might imply all had an impact on markets and international competitive indicators. However, economic policy has provided a reliable and relatively stable economic framework given the circumstances.

Studies by Chile's central bank indicate that GDP increased between 10.5% and 11.5% in 2021, but underline that this significant growth followed a severe recession caused by the COVID-19 pandemic in 2020, when GDP dropped by about 5.8%. During 2021, inflation increased up to 6.7%, but is likely to stabilize at around 3% again in the years to come. The International Monetary Fund's adjusted forecast indicates a subsequent growth rate of about 1.8% to 2.5% through 2025. Something similar applies for the unemployment rate.

Whereas during the second half of 2020 the unemployment rate reached 12.9%, by the end of the period under review it had returned to 7.5%.

Major structural weaknesses can be observed. Low labor productivity represents a persistent problem. This is especially the case in small and medium-sized businesses (SMEs), which are Chile's main employers. Low levels of labor productivity are – among other factors – connected to low average skill levels within the workforce. Minor education-sector reforms have focused on higher education, but given Chile's economic structure, there is a strong need to enhance capacities at a technical level. In the long run, deficiencies in the education system along with low investment rates in infrastructure and research and development (R&D) will probably hinder economic growth and undermine the sustainability of the country's development path. The highly bureaucratic public administration is a further factor impairing productivity.

Economic stability and growth in Chile depend primarily on the export of commodities (e.g., copper as well as agricultural and silvicultural products) with relatively limited or no added value at all. Thus, this South American country shows a comparatively low level of industrialization; the manufacturing sector is small and the majority of consumer, intermediate and capital goods have to be imported. Chile is still highly dependent on energy imports; however, major efforts have been undertaken in order to produce renewable energy.

Citation:

Central Bank of Chile, "Informe de Política Monetaria", September 2021, <https://www.bcentral.cl/resumen-ipom/-/detalle/resumen-ipom-septiembre-2021>, last accessed: 13 January 2022.

National Institute for Statistics (INE), <https://www.ine.cl>, last accessed: 13 January 2022.

International Monetary Fund (IMF), <https://www.imf.org/en/Countries/CHL>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), "Economic Outlook Chile 2021", <http://www.oecd.org/economy/chile-economic-snapshot>, last accessed: 13 January 2022.

La Tercera, "FMI sube a 11% crecimiento de Chile 2021 y es el más rápido de la región en volver a niveles prepandemia", 12 October 2021, <https://www.latercera.com/pulso/noticia/chile-liderara-crecimiento-regional-en-2021-y-sera-uno-de-los-ganadores-de-la-transformacion-verde-segun-el-fmi/AGF45UDG2ZBRZOQHL6Y72BNJC4>, last accessed: 13 January 2022.

Labor Markets

Labor Market
Policy
Score: 6

By international comparison, Chile (like most Latin American countries) has very wide-ranging and restrictive labor market laws and regulations, at least on paper. Excessive regulation of job content, termination restrictions, and flexible and part-time contracts create disincentives to formal-sector

employment. Minimum wages are high relative to average wages in comparison with other OECD countries, but are significantly lower when considering actual purchasing power parity.

When the COVID-19 pandemic reached Chile in March 2020, the unemployment rate was about 7.2%. However, the rate of informal employment was 29.6%. Both rates represented one of the highest of the recent years. During 2020, unemployment increased significantly, reaching a rate of nearly 13% at its peak, but recovered to a pre-pandemic level by the end of 2021 (7.5%).

About 70% of salary earners work in low-wage sectors or do not even earn minimum wage, despite being statistically registered as employed. This structural problem was exacerbated by the COVID-19 pandemic, as the group of self-employed and informal workers were disproportionately affected by the public health crisis and the resulting restrictions, given that they usually depend on close physical proximity to other people in order to offer their services or products.

To address the effects of the pandemic on the labor market, the government implemented a series of measures such as the employment protection law, by which employers can temporarily stop paying salaries to their employees while maintaining their legal obligation to cover social security, as well as new regulations governing teleworking.

In general terms, policies that would increase labor market flexibility (e.g., greater integration of certain social groups such as women and low-skilled workers) have largely been ignored. The strength of trade unions varies greatly, from very powerful (in the public sector) to very weak (in the informal private sector); a variety of factors influence this divide, such as inadequate legislation, a lack of enforcement and the prevalence of informality.

Since powerful labor unions, including the Central Unitaria de Trabajadores (CUT) and Comisiones Obreras (CCOO), stress wage-related issues, the limited labor market policies that have been implemented focus on wage levels rather than on work conditions or on the quality of the labor force. Continuing-education and skills-enhancement training programs are given little support. Despite diminishing productivity, comparatively high wage levels have been established mostly in the mining sector, where wage increases have exceeded the inflation rate.

A labor reform enacted in 2016 modernized labor relations mainly with regard to collective bargaining, broadening negotiable topics and mandating that at

least 30% of labor-union representatives had to be women. In 2019, President Sebastián Piñera presented a further labor-reform initiative that focused on modifying the Labor Code in the following way: 1) ensuring that companies can continue their operations during strikes; 2) ensuring the recognition and involvement of all stakeholders in collective-bargaining processes; and 3) making work schedules more flexible, in part through the introduction of an overtime account with a weekly or monthly limit.

By the end of the period under review, only the first-mentioned draft law, related to assuring minimum service levels during strikes, was about to be approved. Other legislative initiatives had yet to be approved by the parliament or had shown no significant progress.

Citation:

National Institute of Statistics (INE) – Indicators, <https://www.ine.cl>, last accessed: 13 January 2022.

On minimum wage in Chile:

Fundación Sol, “Salario mínimo en perspectiva comparada. Evidencia actualizada a 2020”, September 2020, <https://fundacionsol.cl/blog/estudios-2/post/salario-minimo-en-perspectiva-comparada-6648>, last accessed: 13 January 2022.

Study about wages and salary income structure in Chile:

Fundación Sol, “Los verdaderos sueldos en Chile”, September 2021, <https://www.fundacionsol.cl/blog/estudios-2/post/los-verdaderos-sueldos-de-chile-2021-6796>, last accessed: 13 January 2022.

On the progress of draft legislation:

Fundación Ciudadano Inteligente, <https://deldichoalhecho.cl>, last accessed: 13 January 2022.

United Nations (UN) Economic Commission for Latin America and the Caribbean (ECLAC), Observatorio COVID-19 en América Latina y el Caribe – Impacto económico y social (2020), <https://www.cepal.org/es/temas/covid-19>, last accessed: 13 January 2022.

Taxes

Tax Policy
Score: 6

Chile has a moderately complex tax system. Since 2014, the corporate-income tax rate has been increased from 20% to a range of between 25% and 27% (companies may choose between two different tax regimes) and a tax credit mechanism has been eliminated (Fondo de Utilidades Tributarias, FUT). This latter measure expanded the base for taxes on capital income.

As a result of the massive protests of October 2019, the government halted the core part of its tax-reform project, which sought to integrate corporate-income and individual-income taxes, and had been fiercely criticized by the opposition. Critics argued that the integration of the two forms of tax would have primarily benefited the wealthiest sectors of the population. By contrast, the political and social crisis gave new impetus to the initiative to tax high-

income households, given that the wealthiest 1% of households control 33% of total national income (while the wealthiest 0.1% control 19.5% of total national income).

The highest marginal rate for personal-income taxes is 40%. This implies that high-income wage earners have a high tax burden compared to low-income earners in general, and to high-income non-wage earners in particular. Few exemptions are applied to corporate and income taxes, reflecting a relatively high level of horizontal equity within each income-tax category. High-income non-wage earners can legally avoid high-income taxes through incorporation. The value added tax (VAT) of 19% is the third-highest in Latin America (after Uruguay and Argentina) and remains flat. It favors allocative efficiency but has a strongly regressive impact. There is certainly tax evasion in Chile, probably at higher levels than the OECD average due to the prevalence of informality. Yet efforts to ensure tax compliance have generally been successful. Moreover, Chile probably has one of the most efficient computer-based tax-payment systems in the world. Since June 2020, foreign companies that are not domiciled or resident in Chile have been required to pay VAT for services provided within the national territory. This includes digital platform services in particular. Furthermore, the Defensoría del Contribuyente (DEDECON), an agency serving as an intermediary in matters relating to the Chilean Tax Administration (Servicio de Impuestos Internos, SII), was created in November 2021. It is intended to provide advice to SMEs and the most vulnerable taxpayers.

Additional revenue stemming from newly introduced fiscal changes is slated to finance reforms within the education and health systems. By and large, Chile has been successful in generating sufficient public revenue. However, the social crisis of 2019 and the subsequent COVID-19 pandemic placed significant stress on the national budget. There are flaws in the efficiency of tax spending, but in general the national budget corresponds to the claims of different sectoral ministries. However, most of the tax income generated by corporate and personal taxpayers is based on VAT, and therefore has a very regressive effect.

Nevertheless, the tax system promotes vertical equity through redistribution at only a relatively low level in comparison to other OECD member states. Expenditures for education and social security are far too low both compared to other countries in the region and to do justice to the needs of the lower-middle class and the poorer population. Tax policy fails to produce equity with regard to tax burdens, as large companies and economic elites pay relatively low tax rates. This has preserved Chile's relatively strong international competitiveness, especially with regard to services and products of

comparatively low sophistication. Chile was ranked 27th out of 37 countries in the Tax Foundation's 2021 International Tax Competitiveness Index; in this report, the authors are critical of its worldwide tax system, while most OECD countries have territorial provisions. At the same time, the authors note positively that Chile has the second-lowest tax wedge on labor among OECD countries (7% compared to the OECD average of 34.6%). The country was deemed the region's most competitive country in the World Economic Forum's latest Global Competitiveness Report (2021), ranked 44th out of 64 countries.

Thus, in general terms, Chile's tax system contributes to the country's competitiveness with respect to world trade and investment flows. On the other hand, taxation policy does not foster innovation or increase productivity, and thus endangers competitiveness in the long run.

The only reasonable way to assess Chile's tax system and the amount of revenue needed to finance a welfare state equivalent to 50% of GDP is to check whether Chile's ratio of government expenditure to GDP per capita is within the empirical cross-country range suggested by Wagner's law, which predicts that the development of an industrial economy will be accompanied by greater public expenditures as a share of GDP. Chile's expenditures do indeed fall within this range.

Regarding the promotion of ecological sustainability, a green tax (Law 20,780), first introduced in 2014, has provide an essential mechanism. The new levies, the first of their kind in the country, focus on the emission of local (micropollutants (MP), nitrous oxide (NOx) and sulfur dioxide (SO2)) and global (CO2) pollutants from stationary energy sources. After a three-year phase in which the institutional arrangements and procedures were adjusted, the green tax came into force at the beginning of 2017, applying mainly to power plants featuring boilers or turbines with a thermal power rating of at least 50 megawatts. According to a Ministry of Finance analysis, the tax revenue collected in association with these stationary emissions sources was expected to reach approximately \$160 million per year by 2018. By implementing these taxes, Chile became the first country in South America and one of the first among developing countries overall to have adopted a price for carbon. Nevertheless, the taxation of important productive sectors such as the mining, forestry, fishing and agriculture industries does not explicitly foster ecological sustainability.

Citation:

Ministry of Finance (Ministerio de Hacienda), Indicators and Reports, <https://reporte.hacienda.cl>, last accessed: 13 January 2022.

On VAT in Latin America:

Inter-American Center of Tax Administrations (Centro Interamericano de Administraciones Tributarias, CIAT), “Impuesto al Valor Agregado: su aplicación en América”, July 2021, <https://www.ciat.org/ciatblog-impuesto-al-valor-agregado-su-aplicacion-en-america>, last accessed: 13 January 2022.

Tax Foundation, International Tax Competitiveness Index 2021, October 2021, <https://taxfoundation.org/publications/international-tax-competitiveness-index/#Chile>, last accessed: 13 January 2022.

World Economic Forum, “Global Competitiveness Report 2019”, October 2019, http://www3.weforum.org/docs/WEF_TheGlobalCompetitivenessReport2019.pdf, last accessed: 13 January 2022.

World Economic Forum, “Global Competitiveness Ranking 2021”, <https://www.imd.org/centers/world-competitiveness-center/rankings/world-competitiveness>, last accessed: 13 January 2022.

Chilean Tax Administration (Servicio de Impuestos Internos, SII), <http://www.sii.cl>, last accessed: 13 January 2022.

On the progress of draft legislation:

Fundación Ciudadano Inteligente, <https://deldichoalhecho.cl>, last accessed: 13 January 2022.

Luis Eduardo Escobar, “Michelle Bachelet en busca de la transformación de Chile,” in: Nueva Sociedad, Nr. 252. Julio-agosto 2014, pp. 4-14.

Budgets

Budgetary Policy
Score: 9

In general terms, Chilean budgetary policy has been very successful in the past in terms of national debt reduction and reserve fund accumulation. The country’s budgetary policy is based on a fiscal rule that explicitly – and relatively transparently – links overall government spending to an estimate of government revenue trends. This puts Chile at the international best-practice frontier regarding budget policies and fiscal regimes.

The application of and general compliance with this rule since 2001 (and the adherence to fiscal orthodoxy even without comparative legislation since the mid-1980s) has enabled the government to reduce overall debt, accumulate sovereign wealth and reduce its overall financial liabilities to negative levels. This policy proved absolutely adequate in dealing with the global financial crisis.

The original Fiscal Consulting Council (Consejo Fiscal Asesor) was transformed into an autonomous entity called the Autonomous Fiscal Council (Consejo Fiscal Autónomo). It represents a key factor in support of fiscal transparency, and helps to validate the public accounts.

Even before the social and political crisis Chile experienced in late 2019, the country’s budgetary policy had come under pressure due to declines in the price of copper, slowing economic growth, state spending that had risen faster than GDP, a rising structural deficit and an increase in debt – although this

latter was still within reasonable proportions, considering the positive trend of the last 20 years and the country's level of debt (34.4% of GDP) in comparison with the OECD average (78.02% of GDP). Thus, the pandemic found the country in difficult circumstances regarding its adherence to fiscal orthodoxy.

In order to attend to the demand for a reinforced social agenda and the restoration of the damaged public infrastructure following the social and political crisis, the government tapped the Pension Reserve Fund (Fondo de Reserva de Pensiones, FRP) and the Economic and Social Stabilization Fund (Fondo de Estabilización Económica y Social, FEES). By the end of 2021, both funds together reached a market value of about \$10 billion, a diminution of about \$13 billion in comparison to 2019, when the total value of both funds had reached approximately \$23 billion.

Citation:

Ministry of Finance (Ministerio de Hacienda), "Estado de la Hacienda Pública 2021", September 2021, <https://www.hacienda.cl/areas-de-trabajo/presupuesto-nacional/estado-de-la-hacienda-publica/estado-de-la-hacienda-publica-2021>, last accessed: 13 January 2022.

Dirección de Presupuesto – DIPRES, "Informe de Finanzas Públicas 3er Trimestre 2021", September 2021, <https://www.dipres.gob.cl/598/w3-article-244741.html>, last accessed: 13 January 2022.

Dirección de Presupuesto – DIPRES, "Balance estructural 2019/2020", <https://www.dipres.gob.cl/598/w3-propertyvalue-16156.html>, last accessed: 13 January 2022.

Instructions on the implementation of the budgetary law in the public sector 2022 (Ley de Presupuesto), <https://www.dipres.gob.cl/597/w3-multipropertyvalues-15168-34905.html>, last accessed: 13 January 2022.

Autonomous Fiscal Council (Consejo Fiscal Autónomo), <https://cfachile.cl>, last accessed: 13 January 2022.

Consejo Políticas de Infraestructura, "Gobierno estimó en USD\$ 1.400 millones los daños a infraestructura tras el estallido social", 16 January 2020, <http://www.infraestructurapublica.cl/gobierno-estimo-usd-1-400-millones-los-danos-infraestructura-tras-estallido-social>, last accessed: 13 January 2022.

OECD Data on government spending, <https://data.oecd.org/gga/general-government-debt.htm>, last accessed: 13 January 2022.

OECD – Economic Outlook Chile (2021), <http://www.oecd.org/economy/chile-economic-snapshot>, last accessed: 13 January 2022.

Centro de Investigación Periodística – CIPER, "¿Existe más espacio en la billetera? Radiografía al esfuerzo fiscal para ayudar a los chilenos en la pandemia", 26 May 2020, <https://www.ciperchile.cl/2020/05/26/existe-mas-espacio-en-la-billetera-radiografia-al-esfuerzo-fiscal-para-ayudar-a-los-chilenos-en-la-pandemia>, last accessed: 13 January 2022.

DIPRES: Fondos Soberanos

<https://www.dipres.gob.cl/598/w3-propertyvalue-21941.html>

Research, Innovation and Infrastructure

R&I Policy
Score: 5

Research and development (R&D) expenditure as a share of GDP is very low in Chile compared to other OECD countries, and most of this expenditure is undertaken by the government rather than the private sector. But Chile has shown that it is aware of shortcomings in the area of technological innovation, with potentially deleterious impact on the country's future economic and social development. Significant reforms have been put in place to raise R&D funding, including earmarked taxation (a royalty tax on mining), higher government expenditure, the improvement of tax incentives for private R&D, and the creation of the Ministry of Science, Technology, Knowledge and Innovation (Minciencia) in 2018. Although results have to date been disappointing – in large part because of bureaucratic hurdles to the approval of private and public projects – Chilean institutions show good results at least in the area of basic research. But the steps required to transform this strong basic research into applied research are almost never taken. Universities are often not prepared to support research that operates at the interface between basic research and industrial development. This is reflected in the comparatively low number of patents registered per year on a per capita basis, whereas the number of scientific publications is relatively high. In general, access to the limited public funds available for research tends to be quite difficult due to high bureaucratic barriers (red tape). Despite these facts and considering the development of the last decade, clear improvements regarding innovation policy and scientific cooperation can be observed. Chile is ranked 53rd out of 132 countries in the latest edition of the Global Innovation Index (2021). Given its previous-year rankings, the country's innovation performance appears to be stable.

Citation:

Global Innovation Index (2021), <https://www.globalinnovationindex.org/Home>, last accessed: 13 January 2022.

Ministry of Finance (Ministerio de Hacienda), November 2021, <https://www.hacienda.cl/noticias-y-eventos/noticias/ministerio-de-hacienda-y-dipres-valoran-despacho-del-presupuesto-2022-del>, last accessed: 13 January 2022.

Global Financial System

Stabilizing
Global Financial
System
Score: 6

Given its small size and consequent inability to wield hard power, Chile has quite limited weight within international financial structures. Although it participates in regional institutions and regimes, the country has distanced itself from its Latin American neighbors' recent efforts to strengthen their independence from international-level political hegemony and financial

sources. During the world economic and financial crisis between mid-2007 and early 2009, the government applied an austerity policy and engaged in a responsible budgeting policy mandating a structural surplus of 1% of GDP, largely shielding itself from the worst effects of the crisis. Nevertheless, in the national as well as international context, the official political discourse privileges the virtue of a totally deregulated free market, combating any forms of state regulation.

In general terms, Chile coordinates closely with international financial institutions such as the World Bank, the International Monetary Fund and the Inter-American Development Bank, and usually contributes to the generation of new knowledge through the development of national studies and evaluations.

II. Social Policies

Education

Education Policy
Score: 5

Chile's school and education attainment levels are very mixed and generally much lower than the OECD average. Pre-primary education coverage is still low but rising. Primary and secondary education coverage is high, reaching nearly 100% of current age cohorts. Tertiary-education coverage is moderate but increasing. However, the quality of universities and private sector technical institutions varies significantly. Former governments were not able to reduce the qualitative and social gap between the private and public-education systems; this failure has led to strong public protests in the past. The demand for a more equitable and qualitatively better education was also implicitly part of the mass protests and demands for social justice that at the end of 2019.

Traditionally, high-quality education in Chile has been accessible only to those able to afford it. There is a huge quality gap deriving in part from a significant financial divergence between the private- and public-education systems, with per month spending per public-system pupil averaging CLP 40,000 (approximately \$60), and private-schooling fees averaging about CLP 300,000 (approximately \$450). Chile used to have a broad public-education system, but as a result of the poor quality of the public schools, the share of students attending public institutions has declined to approximately 40%. In general, Chile's education system – with the exception of a few top universities – fails in the task of enabling students to acquire the knowledge and skills required for the country to make a quantum leap in economic development and growth.

This hampers labor-productivity growth and undermines efforts to diminish poverty rates.

The coronavirus pandemic highlighted the structural bias. Although 87.5% of the households do have access to the internet, the digital literacy gap among different socioeconomic groups in Chile is significant. Whereas private schools were broadly able to implement online classes and distance learning methods, most public schools found it difficult to do so, because schools and teachers did not have access to the necessary infrastructure and/or knowledge and methods needed to successfully implement distance teaching.

There is a basic ideological disagreement between the government and opposition regarding the respective roles of the free market and the state in the education system. Moreover, a strong teachers lobby has made it more difficult to pass reforms. In addition, there have been conflicts between teachers' boards and the corporations or enterprises offering private-education services.

The latest significant changes to the education system were introduced in March 2016 by the enactment of Law No. 20,845 (*Ley de Inclusión Escolar*), which increased subsidies for the most vulnerable students in primary and secondary education. At the same time, public subsidies for providers of education are now granted only to private entities that legally count as nonprofit organizations. Additionally, financial contributions (*copagos*) by families whose children attend a public school have been lowered. Prior to this latest reform, Law No. 20,882 (*Ley de Presupuestos del Sector Público*), enacted in December 2015, introduced subsidies for the tuition fees paid by the most vulnerable students attending higher-education institutions (about 25% of the newly matriculated students in 2017).

In January 2018, the Congress adopted a tuition-free policy for university education, professional institutes and technical training centers after some modifications to the original initiative. Thanks to the new law, 60% of students from lower-income families who study in institutions covered by the measure will not have to pay tuition fees. The effects of the latest reforms, especially regarding higher-education access and the public-education quality, will be reliably measurable only in the medium and long term. Nonetheless, they can today be seen as an important step toward more equitable access to (higher) education and as an improvement in the quality of the country's public-education system.

Furthermore, the Supervisory Board for Higher Education was created in 2018. Its main tasks are to monitor compliance with regulations, ensure that

institutions maintain the requirements for official accreditation and to ensure the presence of a transparent information system that prevents misleading advertising.

Citation:

Ministry of Finance (Ministerio de Hacienda), Presupuesto del Ministerio de Educación, November 2021, <http://www.dipres.gob.cl/597/w3-multipropertyvalues-14437-34905.html>, last accessed: 13 January 2022.

On the progress of draft legislation and implementation of public policies:

Fundación Ciudadano Inteligente, <https://deldichoalhecho.cl>, last accessed: 13 January 2022.

Ministry of Education (Ministerio de Educación – MinEduc), <https://www.mineduc.cl/apoyos-del-mineduc-durante-la-pandemia-del-covid-19/>, last accessed: 13 January 2022.

Ministry of Education (Ministerio de Educación – MinEduc), <https://www.mineduc.cl/orientaciones-mineduc-covid-19/>, last accessed: 13 January 2022.

Ministry of Education (Ministerio de Educación – MinEduc), <https://www.mineduc.cl/mineduc-conforma-grupo-de-trabajo-para-abordar-desercion-escolar/>, last accessed: 13 January 2022.

On the digital (literacy) gap in schools and COVID-19:

Fundación País Digital, “Brecha en el uso de internet Desigualdad digital en el 2020”, 2020, <https://paisdigital.org/brecha-en-el-uso-de-internet-2020>, last accessed: 13 January 2022.

SUMMA – Laboratorio de Investigación e Innovación en Educación para América Latina y el Caribe, “Docencia durante la crisis sanitaria: La mirada de los docentes”, 2020, <https://www.summaedu.org/docencia-crisis-sanitaria-chile/>, last accessed: 12 January 2022.

SUMMA – Laboratorio de Investigación e Innovación en Educación para América Latina y el Caribe, “Informe de Resultados. Docencia durante la crisis sanitaria: La mirada de los docentes”, 2020, http://miradadocentes.cl/Informe-de-Resultados_Docencia_Crisis_Sanitaria.pdf, last accessed: 13 January 2022.

Social Inclusion

Social Inclusion
Policy
Score: 5

In terms of opportunity for upward mobility, Chile is still failing to overcome a long-lasting and widening social gap. For instance, considerable exclusion along ethnic lines and a large gap between the poor and the middle class remain. There is also little upward mobility within higher income groups. The middle class in general, and especially the lower-middle class, can be considered as highly vulnerable given the lack of support for unemployed people or those with health problems. The structural problems and the lack of key enabling conditions that would promote equal opportunities were also highlighted by the COVID-19 pandemic, as many of these households lost their source of income, although temporarily. The government implemented an Emergency Family Income (Ingreso Familiar de Emergencia, IFE), which was initially meant to be delivered for only three months, targeting the 60% most vulnerable households with mostly informal incomes. This program was ultimately upgraded to the status of Universal Emergency Family Income and extended through December 2021 with differentiated payment conditions.

Members of the middle classes tend to have accrued a high level of long-term indebtedness, while this population's share in the national income is low even by Latin American standards. The country's income distribution is highly unequal. Although estimated GDP is about \$331 billion and GDP per capita is around \$26,513 (2021), nearly 70% of the population earns a monthly income of less than \$800 (CLP 530,000). About half of the population earns less than \$550 (CLP 420,000) per month. Furthermore, poverty rates among elderly people are disturbingly high. In general terms, political discussions and thus policy proposals on how to promote social inclusion and social mobility still tend to be characterized by profound ideological biases.

In terms of gender inclusion, there has been some progress in the last years. Since 2017, women have been able to obtain abortions in cases involving sexual assault, a nonviable pregnancy or a significant risk to the mother's life. In November 2018, under Piñera's government and after five years of debate, a Gender Identity Law was enacted. This allows people to change their name and sex beginning at the age of 14, and enables them to obtain a new ID card that reflects the chosen identity. Furthermore, same-sex marriage was finally legalized in December 2021.

The social crisis and mass protests beginning in October 2019 prompted the government to introduce several reform proposals as a part of its social agenda, and to reallocate resources in order to restore social peace. The generalized discontent gave new energy to political and academic debates on a fundamental transformation of the dominant neoliberal model. As a consequence of the social tension, a plebiscite on a new constitution was held in October 2020, with 78% of voters supporting initiation of a process to draft a new one.

Citation:

Study about wages and salary income structure in Chile:

Fundación Sol, "Los verdaderos sueldos en Chile", September 2021, <https://www.fundacionsol.cl/blog/estudios-2/post/los-verdaderos-sueldos-de-chile-2021-6796>, last accessed: 13 January 2022.

Inter-American Development Bank – Data on Chile, <http://data.iadb.org>, last accessed: 13 January 2022.

World Bank – Data on Chile, <http://datos.bancomundial.org/pais/chile>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), "A Broken Social Elevator? How to Promote Social Mobility", June 2018, <http://www.oecd.org/social/broken-elevator-how-to-promote-social-mobility-9789264301085-en.htm>, last accessed: 13 January 2022.

On the Guaranteed Universal Pension, <https://www.gob.cl/pensiongarantizada>, last accessed: 13 January 2022.

Health

Health Policy
Score: 7

For more than three decades, Chile has maintained a dual health system with one private and one public pillar. The private pillar includes private insurance and private healthcare services chosen by self-financing participants (typically upper-middle-income and high-income groups). The public pillar includes highly subsidized insurance and public healthcare services for participants, who pay only part of their health costs. Although this dual system provides broad coverage to most of the population, it also perpetuates a quality gap with regard to healthcare provision (especially in the waiting times for non-emergency services), with the participants in the public system being strongly disadvantaged. Significant reforms have been implemented gradually since 2003, expanding the range of guaranteed coverage and entailing a corresponding extension of government subsidies to low- and middle-income population groups. In contrast to other policies, these reforms have been pursued in a very consistent and solid way, although some failures can be detected regarding the budget provided for public health and administrative processes. Above all, primary healthcare within the public system has shown great advances in coverage and in quality. These standards have remained stable in recent years.

In the domain of the more complex systems of secondary and tertiary healthcare, a more problematic situation is evident regarding the public healthcare system. These levels show funding gaps and an insufficiency of well-trained professionals. For these reasons, the quality and efficiency of public healthcare provision (government clinics and hospitals) vary widely.

There is still a huge gender gap with regard to healthcare contribution rates, since maternity costs are borne only by women. A draft law which seeks to implement a Universal Health Plan for private health insurance (Instituciones de Salud Previsional – ISAPRES) in order to put an end to discrimination in access based on age, gender or preexisting conditions was still pending in parliament as of the time of writing.

Near the beginning of the COVID-19 pandemic, the government created a fund of about \$306 million to support the health system (earmarked for additional supplies, health staff and increases in hospital capacities, among other purposes). Although there have been critical peaks, the health system as such has not collapsed. A mental-health support program tasked with providing guidance to people affected psychologically by the pandemic was put in place by the second half of 2020. Chile is characterized by a high coronavirus vaccination rate (86.58% of the population were fully vaccinated by the end of the period under review) compared both with other Latin

American countries and other OECD member countries.

A survey released in August 2021 by Centro de Estudios Públicos (CEP), one of Chile's most important polling agencies, showed that 38% of the respondents cited healthcare as their third-highest concern (after crime: 42%, and pensions: 41%). This trend has remained stable in the recent past.

Citation:

Healthcare as one of the chief concerns:

Centro de Estudios Públicos (CEP), August 2021, <https://www.cepchile.cl/encuestaCEP>, last accessed: 13 January 2022.

Statistics and Research on Coronavirus (COVID-19) Vaccinations:

Our World in Data, <https://ourworldindata.org/covid-vaccinations>, last accessed: 13 January 2022.

Ministry of Health (Ministerio de Salud), <https://www.minsal.cl>, last accessed: 13 January 2022.

On the progress of draft legislation and implementation of public policies:

Fundación Ciudadano Inteligente, <https://deldichoalhecho.cl>, last accessed: 13 January 2022.

On the relation the socioeconomic status and the impact of the pandemic:

Centro de Investigación Periodística (CIPER), "Estatus socioeconómico: un factor de riesgo para la actual pandemia de COVID-19", May 2021, <https://www.ciperchile.cl/2021/05/05/estatus-socioeconomico-un-factor-de-riesgo-para-la-actual-pandemia-de-covid-19>, last accessed: 13 January 2022.

Families

Family Policy
Score: 5

In recent years, governments have sought to expand the provision of preschool education. New policies have offered Chilean parents more opportunities to place their children in free or low-priced nurseries and kindergartens. The budget 2015 of former President Michelle Bachelet included a significant increase in public funding in both categories. Under President Piñera, budgets in this area have remained stable. A bill that would facilitate employees' access to day care services for children under two (sala cuna universal), independent of the company size (previously, only companies employing at least 20 women have been legally obliged to offer daycare services), was submitted to parliament in October 2019. However, this was ultimately rejected by the parliamentary commission due to concerns with the proposed financial outlays and the administrative mechanism for the funding.

As yet, the day care system does not fulfill actual labor market requirements, given that nursery opening times often do not coincide with parents' long working hours. The average annual working hours in Chile (1,825 hours per year and worker) far exceed the OECD average (about 1,687 hours per year and worker). A measure that would gradually reduce official weekly working hours to 40 has been drafted and approved by the lower chamber of Congress, but has yet to pass the Senate.

Families' abilities to find day care for their children depend to a great degree on their economic backgrounds, as wealthier families normally pay for private housekeepers and nannies. Aside from the issue of labor market participation opportunities for women, Chilean family policy does not fully respect fathers' concerns, as tuition for children is paid solely to mothers, for example. Chilean family policies still lack a holistic vision of modern families; for instance, they are weak on issues such as single parents and adoption.

The national social program "Chile grows with you" (Chile crece contigo), which supports expecting mothers and families during a child's early years, also provides support for adolescent mothers.

Citation:

About working hours in OECD countries (2021):

Organisation for Economic Co-operation and Development (OECD), <https://data.oecd.org/emp/hours-worked.htm>, last accessed: 13 January 2022.

About the law initiative for universal day nursery:

Chilean Government, <https://www.gob.cl/salacunauniversal>, last accessed: 13 January 2022.

On the national social program "Chile Crece contigo":

Chilean Government, <https://www.crececontigo.gob.cl>, last accessed: 13 January 2022.

About the reduction of the weekly working hours:

Diario Constitucional, "Un breve análisis al proyecto de ley que busca reducir la jornada laboral a 40 horas", November 2021, <https://www.diarioconstitucional.cl/reportajes/un-breve-analisis-al-proyecto-de-ley-que-busca-reducir-la-jornada-laboral-a-40-horas>, last accessed: 13 January 2022.

Pensions

Pension Policy
Score: 5

Chile's pension system combines a redistributive means-tested pillar financed by general taxation with a self-financed pillar based on individual contributions and individual pension accounts, which are administrated by private pension fund managers and invested both domestically and abroad. The redistributive pillar was extended and broadened very substantially in the context of a pension reform in 2008 that implemented means-tested pension subsidies, guaranteeing a pension floor to all older citizens that is very high relative to the country's minimum and average wages. The reform also provided pension-benefit entitlements to women based on the number of children they have, with no ceiling. It is a matter of some debate whether the Chilean pension system guarantees intergenerational equity and prevents old-age poverty. It can be argued that both public and private pension systems are fiscally sustainable (like those of Norway, the best-funded system among all OECD countries), and thus provide both intergenerational and intragenerational equity across income groups. Nevertheless, the Chilean

system largely fails to guarantee poverty prevention among large parts of the socioeconomically weaker and elderly population who depend on the support of their families or have no pensions at all if they worked under unstable and/or informal conditions. Thus, because of the capitalization logic, the pension system has a negligible redistributive effect. The current scenario indicates that poverty among the elderly will rise in the medium and long term if reforms are not introduced soon.

In 2015 and 2016, massive demonstrations throughout the country revealed widespread dissatisfaction with the pension system, a generalized discontent that also contributed to the social crisis of 2019. Thus, it is no surprise that surveys indicate that the topic of pensions ranks as one of the population's most pressing concerns.

In October 2018, President Piñera announced a reform to the pension system. However, due to the massive protests and strikes, the original reform initiative had to be modified. Among the first measures announced by the government in an effort to calm the situation was an increase of 20% of the minimum social pension (from approximately \$147 to \$175), which was upgraded to a Guaranteed Universal Pension (Pensión Garantizada Universal) of about \$220 (CLP 185,000) in January 2022. However, its permanent financial mechanism has not yet been finalized and was still under discussion at that moment. Furthermore, additional reform initiatives seek to foster the current pension system, including an increased contribution by four percentage points at the employer's expense, the implementation of a tax-paid supplement for women who have contributed for more than 16 years as well as a general tax-paid supplement for those who have contributed for more than 20 years. By the end of the period under review, these latter initiatives were still under review by the parliament. Furthermore, public pressure for an anticipated access to pension funds in order to substitute the loss of income due to the pandemic was approved. Contributors could withdraw 10% of their individually capitalized pension funds (with a ceiling of 150 inflation-indexed units (UF), corresponding to approx. \$5,500). A total of three withdrawals with similar conditions were authorized. The fourth withdrawal was rejected by the parliament.

The political and social crisis that started in October 2019, the early withdrawals of pension funds and the fact that a radical change of the pension system has been a central topic of focus for President-Elect Gabriel Boric have together breathed new life into political and academic debates regarding the possibility of more profound change, and finally made it impossible to ignore the need for far-reaching reform.

Citation:

On the anticipatory withdrawal of pension funds:

Supervisory Board for Pensions (Superintendencia de Pensiones), <https://www.spensiones.cl/portal/institucional/594/w3-propertyvalue-10411.html>, last accessed: 13 January 2022.

On the progress of draft legislation and implementation of public policies:

Fundación Ciudadano Inteligente, <https://deldichoalhecho.cl>, last accessed: 13 January 2022.

Centro de Estudios Públicos (CEP), August 2021, <https://www.cepchile.cl/encuestaCEP>, last accessed: 13 January 2022.

On the future of the Chilean pension system:

Universidad de Chile, August 2021, <https://www.uchile.cl/noticias/178675/mundo-academico-y-de-las-afps-debatio-sobre-el-sistema-de-pensiones>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Aumento de pensiones mínimas: los beneficios que no vemos por mirar solo el gasto”, March 2021, <https://www.ciperchile.cl/2021/03/20/aumento-de-pensiones-minimas-los-beneficios-que-no-vemos-por-mirar-solo-el-gasto>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Nuevas formas de envejecer y cuestionamientos al sistema de pensiones: ¿tiene sentido mantener el Pilar Solidario?”, August 2020, <https://www.ciperchile.cl/2020/08/05/nuevas-formas-de-envejecer-y-cuestionamientos-al-sistema-de-pensiones-tiene-sentido-mantener-el-pilar-solidario>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Retiro del 10%: Limitaciones de un proyecto regresivo”, July 2020, <https://www.ciperchile.cl/2020/07/14/retiro-del-10-limitaciones-de-un-proyecto-regresivo>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Conclusiones de la Comisión Bravo: todo está al revés con las pensiones”, November 2015, <https://www.ciperchile.cl/2015/11/18/conclusiones-de-la-comision-bravo-todo-esta-al-reves-con-las-pensiones>, last accessed: 13 January 2022.

The Pension Commission’s Executive Summery (2015), <http://www.comision-pensiones.cl/Documentos/GetResumen>, last accessed: 13 January 2022.

Integration

Integration Policy
Score: 6

The number of immigrants in Chile has increased significantly during the recent past. As indicated by the Chilean Immigration Office, nearly 1.5 million immigrants were living in Chile at the end of 2020 (about 7.8% of the population). This is a significant increase from 2014, when about 420,000 immigrants were living in Chile (about 2.3% of the population at that time)

Historically, the integration of immigrants from other Latin American countries, who represent about 80% of all immigrants (by far the largest group of foreigners in Chile), has not entailed significant difficulties since these immigrants share a common language, and to a certain degree, a similar cultural background. However, the significant increase in inflows over the last five years has begun to lead to social tensions and conflicts, especially in the northern regions of the country, where a large proportion of immigrants tend to enter the country.

Historically, Peruvians used to be the biggest immigrant group in Chile. However, in 2019 Chile became the third-most-popular Latin American destination for Venezuelan migrants, partly because of the introduction of the so-called Visa of Democratic Responsibility in 2018, which allows Venezuelans seeking refuge from the crisis in their country to reside in Chile for 12 months. Today this national group represents nearly one-third of all foreign residents in Chile.

Reforms introduced in 2016 and 2017 allowed refugee children to receive expedited access to Chilean citizenship regardless of their age and residence time when at least one of their parents chooses Chilean citizenship. Before this reform, only adult children qualified to receive citizenship through a parent. Additionally, some administrative barriers have been lowered, making it easier for migrants to attend public schools.

In April 2018, President Piñera presented a draft law on migration that was finally passed in May 2021. Anticipating a long parliamentary debate, the president also enacted several executive decrees addressing “urgent challenges,” which included modifications to the existing law on foreign residents (Ley de Extranjería). As a consequence, visas to stay in Chile now have to be issued in a person’s country of origin, and the ability to apply for a temporary work visa in Chile has been eliminated.

Although President Piñera belonged to the small group of Latin American heads of state that did not support the UN Global Compact for Migration of December 2018, he joined 10 additional Latin American countries in signing the Quito Declaration on the Venezuelan migration crisis in September 2018, which recognized the need for greater regional cooperation in this realm.

Citation:

On the progress of draft legislation and implementation of public policies:

Fundación Ciudadano Inteligente: <https://deldichoalhecho.cl>, last accessed: 13 January 2022.

Official data on migration in Chile:

Chilean Immigration Office (Extranjería): <https://www.extranjeria.gob.cl/estadisticas-migratorias>, last accessed: 13 January 2022.

On the new migration law:

Library of the National Congress (BCN), May 2021, <https://www.bcn.cl/leyfacil/recurso/ley-de-migracion-y-extranjeria>, last accessed: 13 January 2022.

United Nations High Commissioner for Refugees (UNHCR), “Fact-Sheet Chile”, August 2019, https://www.acnur.org/op/op_fs/5d5c57fa4/chile-fact-sheet.html, last accessed: 13 January 2022.

On the Quito Declaration:

<https://www.procesodequito.org>, last accessed: 13 January 2022.

Internal Security
Policy
Score: 6

Safe Living

Domestic security policy is in general quite effective. While organized crime is not apparent to the average citizen, there are some disturbing trends: selective acts of terrorism (or acts classified as such) based on ethnic or political grounds, and a slightly rising incidence of drug-trafficking (and related crimes). Especially in southern Chile, and particularly in the Araucanía region, the number of recorded terrorist attacks with alleged ethnic motivations has increased significantly in recent years. As a response to the rising tension and increase in the number of violent incidents, the government declared a state of emergency in October 2021, restricting the right of assembly and the freedom of movement in the most affected parts of that region.

Homicide rates in Chile are among Latin America's lowest. Common crime rates have not shown any significant changes since 2012. Still, public perceptions of criminality tend to overestimate the statistical reality. Private security services are widespread in the wealthier urban areas, especially in Santiago. According to a poll released in August 2021 by the Chilean survey institute Centro de Estudios Públicos (CEP), insecurity remains the overriding public concern (42%), ahead of pensions (41%) and healthcare (38%), despite the fact that crime rates, especially those reflecting serious crime, have been relatively stable during the last few years.

Chile has an extremely high incarceration rate among the younger population in particular. Prevention measures are not well developed. The last two governments each launched anti-crime programs focusing on detection and repression rather than on prevention. These had very mixed results. Crime-control programs such as the Plan Cuadrante and the marked increase in the numbers of police officers have significantly reduced crime rates. Reforms of the Penal Code and their implementation over the last 10 years have also significantly raised the efficiency of crime detection and criminal prosecution.

In July 2018, President Piñera received the final report of the working group on security (Mesa de Trabajo por la Seguridad), which included 150 recommendations across five topic areas including modernizing the police, fostering an "intelligent state system," tightening controls on the circulation of firearms, stressing the key role of municipalities in the realm of public security, and improving the coordination between actors in the criminal prosecution system. This represented a further step on the way to a new national public security agreement, one of President Piñera's stated goals.

Some of these recommendations were included in the draft laws that the executive presented to Congress in November 2018, and which were still being negotiated in Congress by the end of the period under review.

In response to the social unrest of October 2019, President Piñera declared a state of emergency and imposed a curfew that lasted over a week, deploying police and military forces to restore social order. Although social tensions had been noticeably growing for several years, the scope of these protests overwhelmed the government and surprised political analysts. In the context of these protests, state security forces – primarily the police (Carabineros) – were alleged to have committed massive human-rights abuses.

According to statistics from the Public Prosecutor’s Office and the National Institute for Human Rights (INDH) compiled by Amnesty International (AI), as of March 2021, more than 8,000 victims of state violence and more than 400 cases of eye trauma had resulted from police actions during the protests that began in 2019. Furthermore, the protests had claimed the lives of at least 23 people, and upwards of 5,000 were detained.

Former president of Chile and current High Commissioner of the United Nations Office for Human Rights (OHCHR) Michelle Bachelet sent a team to Chile tasked with investigating the incidents. The subsequently released report concluded that certain human rights violations, in particular the improper use of “less lethal” weapons and cases of ill treatment had recurred repeatedly, and had involved the same alleged perpetrators and victims. One indicator of the violent reaction of the police during the mass protests were 400 people who ended up with eye trauma as a result of projectiles fired by the security forces.

Denouncing the declaration of a state of emergency and the imposed curfew as a violation of the public’s fundamental rights, the opposition filed a “constitutional accusation” against the minister of the interior in November 2019, which was approved by the Senate by confirming the minister’s political responsibility for the human rights violations. At the same time, total damages to public and private property caused in the context of the social unrest are estimated at \$1.4 billion dollars, and an estimate of related job losses exceeded 140,000.

Citation:

On the progress of draft legislation and implementation of public policies:

Fundación Ciudadano Inteligente, <https://deldichoalhecho.cl>, last accessed: 13 January 2022.

On insecurity as the chief public concern:

Centro de Estudios Públicos (CEP), August 2021, <https://www.cepchile.cl/encuestaCEP>, last accessed: 13 January 2022.

National statistics on Crime:

National Institute for Statistics (INE), “Encuesta Nacional Urbana de Seguridad Ciudadana 2020”, June 2021, <https://www.ine.cl/prensa/2021/06/01/encuesta-nacional-urbana-de-seguridad-ciudadana-2020-registra-ca%C3%ADda-en-tasa-de-victimizaci%C3%B3n>, last accessed: 13 January 2022.

United Nations’ Office for Human Rights (OHCHR), Mission Report, December 2019, <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=S>, last accessed: 13 January 2022.

National Institute for Human Rights (INDH), “Annual Report 2019”, November 2019, <https://bibliotecadigital.indh.cl/handle/123456789/1701>, last accessed: 13 January 2022.

National Institute for Human Rights (INDH), “Annual Report 2020”, December 2020, <https://bibliotecadigital.indh.cl/handle/123456789/1721>, last accessed: 13 January 2022.

Deutsche Welle (DW), “AI: Carabineros de Chile violaron derechos humanos durante protestas”, 15 October 2020, <https://www.dw.com/es/ai-carabineros-de-chile-violaron-derechos-humanos-durante-protestas/a-55281798>, last accessed: 13 January 2022.

About the State of Emergency in the Araucanía region:

Centro de Investigación Periodística (CIPER), “Un Estado de Emergencia injustificado para la Araucanía”, October 2021, <https://www.ciperchile.cl/2021/10/15/un-estado-de-emergencia-injustificado-para-la-araucania>, last accessed: 13 January 2022.

About the riots of October 2019:

Deutsche Welle (DW), “Casi un millón de personas se manifestaron en Santiago de Chile”, October 2019, <https://www.dw.com/es/casi-un-mill%C3%B3n-de-personas-se-manifestaron-en-santiago-de-chile/a-50996232>, last accessed: 13 January 2022.

Global Inequalities

Global Social
Policy
Score: 7

The Chilean Agency of International Cooperation for Development (Agencia Chilena de Cooperación Internacional para el Desarrollo, AGCID) under the Ministry for External Relations has been the authority responsible for bilateral, triangular and multilateral international cooperation since 1990. It coordinates both the resources that Chile gives as a donor and the aid the country receives. As a donor, Chile focuses on its own region, mainly South America. The AGCID reacted to the COVID-19 pandemic with a program called the Post-Pandemic Cooperation Strategy 2021-2024.

While Chile is a member of the OECD, it has only an observer status in the Development Assistance Committee (DAC). Chile formally follows and promotes the United Nations’ Sustainable Development Agenda (Agenda 2030) and its 17 Sustainable Development Goals in its foreign policies. In practice, those criteria do not necessarily constitute the main emphasis when it comes to decision-making regarding international cooperation with developing countries in the region. Chile offers virtually no subsidies to domestic producers and does not maintain protectionist trade barriers to imports.

Citation:

Chilean Cooperation Agency (Agencia Chilena de Cooperación Internacional para el Desarrollo), <https://www.agci.cl>, last accessed: 13 January 2022.

Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores de Chile), <https://www.minrel.gob.cl>, last accessed: 13 January 2022.

III. Environmental Policies

Environment

Environmental
Policy
Score: 6

In general terms, environmental-policy goals tend to be ambitious, especially when taking into account the country's economic structure and dependence on natural resources. As several studies show, Chile is highly vulnerable to the effects of climate change. For this reason, the country has initiated an active climate agenda coordinated by the Ministry of the Environment and the Council of Ministers for Sustainability, which includes mitigation and adaptation measures by various sectoral authorities.

Chile has an efficient but scarcely restrictive environmental regulatory system. From 2010 onwards, it has boasted a modern environmental institutional system. For example, the former National Commission for Environmental Issues (Comisión Nacional del Medio Ambiente) was upgraded to the Ministry of Environment (Ministerio del Medio Ambiente). Some progress has been achieved regarding the creation and implementation of complementary institutions, such as environmental tribunals (Tribunales Ambientales) and a chairperson for the environment (Superintendencia Ambiental). In September 2016, Chile signed the Paris Agreement on climate change, which was ratified in January 2017.

However, Chilean environmental policy prioritizes compliance with standards required by international markets, and thus does not necessarily focus on non-commercial aspects like ecological and social sustainability. In addition, Chilean environmental policy is also subject to major domestic political pressure by the industrial sector, especially in the field of water and forestry use and regulation. This constraint often leads to clashes over the protection, preservation and sustainability of natural resources and the quality of the environment. The judiciary has often acted to stop investments and projects, citing ecological sustainability issues. Tangible environmental-policy impacts on the productive sectors tend to take the form of ex post fines (applied once the law has been violated) rather of preventive regulations and compliance. This weakness can be observed, for example, in the fishery industry. In the field of agriculture and mining, water-use rights and their environmental, social and economic impact have become a prominent public issue. However,

especially in the field of water-use rights, environmental concerns are often not integrated across relevant policy sectors.

Chile has imposed a green tax on the energy sector since 2017 with the goal of lowering CO₂ emissions and favoring ecologically efficient production. The country is poised to enact a climate change law (Proyecto de Ley Marco de Cambio Climático, PLMCC) intended to establish a more effective climate governance system and reduce carbon-dioxide emissions. A preliminary draft of the law proposal has been drafted, and was introduced into the Congress in August 2020. With this PLMCC, Chile is seeking to become carbon neutral by 2050.

A number of recent initiatives in the capital city of Santiago have been taken with the aim of diminishing air pollution, promoting a more sustainable public transport system (e.g., the implementation of electric buses and a significant increase in bicycle paths). Furthermore, regulations governing the protection of urban wetlands were modified.

During his first term as president (2010-2014), Piñera supported and actively participated in the Escazú Agreement, a regional agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean. However, the country did not ultimately ratify the agreement. According to official statements, the postponement was needed in order to further review the possibility of litigation before the International Court of Justice under the Pact of Bogotá. However, the so-called Pandora Papers revealed that the president's sons had business interests in the Minera Dominga mining project that might have been complicated if the agreement had entered into force. This fact changed the public's perspective on the government's decision not to sign the Escazú Agreement.

Citation:

Supervisory Board for the Environment (Superintendencia del Medio Ambiente), <http://www.sma.gob.cl>, last accessed: 13 January 2022.

Ministry of Environment (Ministerio del Medio Ambiente), <https://mma.gob.cl>, last accessed: 13 January 2022.

On the climate change law (Proyecto de Ley Marco de Cambio Climático – PLMCC), <https://leycambioclimatico.cl/leyccchile>, last accessed: 13 January 2022.

On the Escazú-Agreement:

United Nations (UN) Economic Commission for Latin America and the Caribbean (ECLAC), <https://www.cepal.org/es/acuerdodeescazu>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “La importancia de las regiones en la política ambiental: un análisis crítico a partir del acuerdo de Escazú”, 18 January 2021, <https://www.ciperchile.cl/2021/01/18/la-importancia-de-las-regiones-en-la-politica-ambiental-un-analisis-critico-a-partir-del-acuerdo-de-escazu>, last accessed: 13 January 2022.

On the Pandora Papers and its linkage to the Minera Dominga mining project:

Radio Universidad de Chile, “Acuerdo de Escazú: la cuestionada negativa de la administración Piñera que reflota con los Pandora Papers”, 8 October 2021, <https://radio.uchile.cl/2021/10/06/acuerdo-de-escazu-la-cuestionada-negativa-de-la-administracion-pinera-que-reflota-con-los-pandora-papers>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Pandora Papers: Familias Piñera y Délano sellaron millonaria compraventa de Minera Dominga en Islas Vírgenes Británicas”, 3 October 2021, <https://www.ciperchile.cl/2021/10/03/pandora-papers-familias-pinera-y-delano-sellaron-millonaria-compraventa-de-minera-dominga-en-islas-virgenes-britanicas/>, last accessed: 13 January 2022.

Global Environmental Protection

Global
Environmental
Policy
Score: 6

The government demonstrates commitment to existing regimes and international efforts but it is not a genuine promoter of global environmental protection. There has been at least one specific initiative regarding the protection of Antarctica. However, in general terms, the government neither initiates significant reforms nor plays a leading role in their advancement within the international community. Chile signed the Paris Agreement on climate change in September 2016, which was ratified by Congress in January 2017.

Working typically through the Chilean Development Agency, Chile implements and finances (albeit to a lesser extent) regional South-South and triangular cooperation projects in the field of environmental protection and energy efficiency. Nevertheless, given the country’s size, those cooperation projects tend to be rather small in comparison to those supported by other OECD member countries.

Although the country was scheduled to host the 25th United Nations Climate Change Conference in December 2019, due to the social crisis of October 2019, President Piñera refrained from organizing the summit. The original intention to host the event can be interpreted as expressing an ambition to play a more active role in global environmental protection initiatives. At the same time, as of the end of the review period, Chile had not yet signed the regional Escazú Agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean.

Citation:

Ministry of Environment (Ministerio del Medio Ambiente), <https://mma.gob.cl>, last accessed: 13 January 2022.

On the Escazú-Agreement:

United Nations (UN) Economic Commission for Latin America and the Caribbean (ECLAC), <https://www.cepal.org/es/acuerdodeescazu>, last accessed: 13 January 2022.

OECD International Programme for Action on Climate – Data set on Chile:

Organisation for Economic Co-operation and Development (OECD), <https://www.oecd.org/climate->

action/ipac/dashboard?country=CHL, last accessed: 13 January 2022.

OECD Environmental Performance Reviews:

Organisation for Economic Co-operation and Development (OECD), Chile 2016, July 2016, <https://www.oecd.org/chile/oecd-environmental-performance-reviews-chile-2016-9789264252615-en.htm>, last accessed: 13 January 2022.

Robust Democracy

Electoral Processes

Candidacy
Procedures
Score: 9

In general terms, candidates and parties are not discriminated against in the registration process. Electoral procedures are very reliable and there is no ideological bias. Article 60 of Law 18,556 entrusts the Electoral Service (SERVEL) with administering, supervising and overseeing the electoral registration process, as well as with preparing and updating the electoral rolls and electoral act. Moreover, this entity has the power to supervise and oversee compliance with the rules governing political parties, including their autonomy and financing. As an institution, SERVEL is recognized as being an important authority for Chile's democracy and election processes. Since 2013, significant reforms have rendered electoral provisions more transparent and inclusive, and have made electoral institutions stronger and more autonomous.

In April 2015, a new electoral law (Law No. 20,840) was enacted that replaced the 25-year-old binominal electoral system for parliamentary elections with a system of "proportional and inclusive representation." The allocation of seats is still based on the D'Hondt method, but this now takes place in multimember districts of smaller magnitude (three to eight deputies and two to five senators). Further changes include the following:

- An increase in the overall number of deputies (from 120 to 155) and senators (from 38 to 50).
- A reduction in the number of districts and constituencies for the election of deputies (from 60 to 28).
- A reduction in the number of districts and constituencies for the election of senators (from 19 to 15).
- The introduction of a gender quota applied to party lists: neither males nor females may exceed 60% of the total number of candidates presented by a party (valid through 2029).
- An increase in the amount of state reimbursement for each vote received by female candidates and the introduction of a gender bonus of about \$20,000 for each woman elected as deputy or senator (up to 2029).
- A lowering of the requirements to create parties. The number of signatures parties must collect decreased from 0.5% of the voters in the last election for

the Chamber of Deputies in eight of the 16 regions or in three geographically contiguous regions to only 0.25%, but limited to the region in which they are registered.

- The introduction of the M+1 rule; unlike the binominal system, each party list must now include as many candidates as seats are to be distributed, plus one. As before, the lists are open.
- Electoral pacts between parties are allowed only at the national level.

In December 2016, a further electoral law (Law No. 20,990) introduced the direct popular election of the top executive in the country's 16 administrative regions. With the goal of fostering decentralization and citizen participation, the regional mayors (Intendentes Regionales), which had previously been designated by the central government, were replaced by elected regional governors (Gobernadores Regionales). The newly created office has a term of four years, with only one consecutive reelection possible. To be elected, a candidate requires at least 40% of the valid votes in the first round or more than 50% in the second round (runoff) between the two candidates with the most first-round votes.

The new electoral provisions for Congress were first applied in the legislative elections of November 2017, and in that year's presidential elections. The first direct regional governor elections had originally been scheduled for October 2020, but were postponed to May 2021 due to the COVID-19 pandemic.

The legal basis for the election of Constitutional Convention members was established through the modification of Law 21,200 in December 2019. The Constitutional Convention is composed of 155 members, which were elected by popular vote in May 2021, using the same (28) districts that are used to elect deputies. Special rules were applied in this particular election to facilitate the participation of independent candidates and to ensure gender balance. In addition, 17 seats in the Convention were reserved for representatives of native peoples.

Citation:

Chilean Electoral Service (Servicio Electoral de Chile - Servel), www.servel.cl, last accessed: 13 January 2022.

On the electoral system:

Library of the National Congress (Biblioteca del Congreso Nacional – BCN), [https://www.bcn.cl/leyfacil/recurso/nuevo-sistema-electoral-para-elecciones-parlamentarias-\(fin-del-sistema-binominal\)](https://www.bcn.cl/leyfacil/recurso/nuevo-sistema-electoral-para-elecciones-parlamentarias-(fin-del-sistema-binominal)), last accessed: 13 January 2022.

On Regional Governors:

Library of the National Congress (Biblioteca del Congreso Nacional – BCN), <https://www.bcn.cl/leyfacil/recurso/eleccion-democratica-de-gobernadores-regionales>, last accessed: 13 January 2022.

On the election of the Constitutional Convention:

Library of the National Congress (Biblioteca del Congreso Nacional – BCN), <https://www.bcn.cl/leychile/navegar?idNorma=1140340>, last accessed: 13 January 2022.

On the electoral process of the Constitutional Convention:
Gobierno de Chile, <https://www.gob.cl/procesoconstituyente/#convencion>, last accessed: 13 January 2022.

Ricardo Gamboa/Mauricio Morales, Country Note. Chile's 2015 Electoral Reform: Changing the Rules of the Game, *Latin American Politics and Society*, 11 October 2016, 126-144. DOI: 10.1111/laps.12005, <http://onlinelibrary.wiley.com/doi/10.1111/laps.12005/Abstract>, last accessed: 13 January 2022.

Claudia Zilla, Franziska F. N. Schreiber, The Constitutional Process in Chile. The South American Country Is Searching for a New Social Contract, SWP Comment 2020/C 17, 06.04.2020, doi:10.18449/2020C17, <https://www.swp-berlin.org/en/publication/the-constitutional-process-in-chile>, last accessed: 16 February 2022.

Media Access
Score: 4

Access by candidates and parties to public TV channels is regulated by law (Law No. 18,700, *Ley Orgánica Constitucional sobre Votaciones Populares y Escrutinios*, and Law No. 18,603, *Ley Orgánica Constitucional de los Partidos Políticos*). Given the high concentration of media ownership with a specific political viewpoint, candidates and parties de facto lack equal opportunity of access to a plurality of media and other means of communication. *La Nación*, a former daily paper owned and run by the state, stopped publishing a print edition during Sebastián Piñera's first administration in 2010 (although the publication is still accessible online). Chile's largest free TV channel (TVN) is state-owned, and is required by law to provide balanced and equal access to all political views and parties – a regulation which is overseen by the National Television Directorate (Consejo Nacional de Televisión, CNTV). The private media is mainly owned and/or influenced by elite associated with the Chile Vamos (until 2015, *Alianza por Chile*) coalition, which represented the opposition until March 2018 and has been the ruling political force since then. Although *La Nación* and TVN are state-owned, they must operate according to market rules, relying on advertising revenues and strong audience ratings. In general, regional candidates tend to have fewer media-access opportunities due to the strong centralization of Chile's political and media systems.

Voting and
Registration
Rights
Score: 8

Law No. 20,568, enacted in January 2012, and Law No. 20,669, enacted in April 2013, changed the voter registration system. Voluntary registration and subsequent compulsory voting were replaced with automatic registration and voluntary right to vote for citizens older than 18 years. This reform led to a higher participation rate among younger and especially first-time voters in the 2013 presidential elections. This law also introduced assisted voting for citizens with disabilities.

Law No. 20,568 also eliminated penalties previously imposed on registered voters who did not vote and who failed to have an explicit and officially approved excuse for not doing so. The fact that the act of voting is now completely voluntary is questioned by some politicians and intellectuals who argue that voting not only represents a civil right but also a civil duty. Fears

were raised by academics that the transition to voluntary voting would be accompanied by a bias toward middle- and upper-class voters, since lower-class and marginalized voters would disproportionately stay home. These fears ultimately turned out to be unjustified, as balloting has demonstrated no significant bias with regard to socioeconomic status in comparison to previous elections.

However, voter-turnout rates dropped to a historic low in the municipal elections of 2016, a tendency which was confirmed in the presidential election of 2017 as well as in the first regional governor elections in 2021. Nevertheless, with voter-turnout rates of 55.64% in the 2021 presidential runoff, the rate increased to an all-time high since voting became voluntary. At the same time, a controversy was generated on the day of the presidential elections due to the alleged lack of public transportation in some municipalities, a service that is guaranteed to be free of charge during the hours in which the polling locations are open.

Since April 2014, Chileans living abroad have been automatically registered to vote if they are registered correctly in SERVEL database. These citizens are officially allowed to participate in presidential elections, presidential primaries and national plebiscites (which are not explicitly provided for by the constitution), but not in elections for the National Congress or in municipal elections. Chileans living abroad were able to vote for the first time in the presidential elections of 2017.

Citizens who have been charged with a felony and sentenced to prison for more than three years and one day, as well as people classified as terrorists, lose their suffrage rights. Prisoners awaiting judgment that remain on remand lose in practice lose their right to vote because administrative and infrastructural barriers impede their participation in elections, according to a study conducted by the Ministry of Justice and Human Rights in September 2020.

Chilean Electoral Service (Servicio Electoral de Chile, Servel), www.servel.cl, last accessed: 13 January 2022.

On voters abroad:

Library of the National Congress (Biblioteca del Congreso Nacional, BCN), <http://www.bcn.cl/leyfacil/recurso/voto-de-chilenos-en-el-extranjero>, last accessed: 13 January 2022.

Chilean Electoral Service (Servicio Electoral de Chile, Servel), Voto exterior, <https://www.servel.cl/voto-exterior/>, last accessed: 16 February 2022.

About suffrage of prisoners:

Centro de Investigación Periodística (CIPER), “Voto preso: los resquicios ilegales que usa el Estado para evitar que los presos sufragan”, 16 April 2021, <https://www.ciperchile.cl/2021/04/16/voto-preso-los-resquicios-ilegales-que-usa-el-estado-para-evitar-que-los-presos-sufragan>, last accessed: 13 January 2022.

Ministry of Justice and Human Rights (Ministerio de Justicia y Derechos Humanos), “Sufragio de personas

privadas de libertad” September 2020, <https://www.minjusticia.gob.cl/informes-de-estudios/documentos-unic>, last accessed: 13 January 2022.

Party Financing
Score: 6

In the past, party and campaign financing processes have not been highly transparent. Upper limits to campaign financing are set by law, but enforcement and oversight are often not fully effective. Electoral campaign expenditures are both publicly and privately financed, but deficient monitoring often allows the latter funding flows to be rather opaque. There is a lack of mechanisms for applying penalties in the event of irregularities. Law No. 20,640, approved in October 2012, made it possible for a political coalition to support candidates on a joint basis. This decision is voluntary but binding; joint campaign expenditures are limited by the current public-transparency law (Ley de Transparencia, Límite y Control del Gasto Electoral).

By the end of 2014, wide-ranging evidence of corruption in political-party funding came to light. As the investigation progressed, more and more politicians and political parties across the ideological spectrum turned out to be involved. However, the courts have tended to impose fairly insubstantial penalties. As a response to the crisis, former President Bachelet convened an anti-corruption council that proposed several anti-corruption measures, including new restrictions on private campaign funding, which were largely enacted in April 2016. With Law No. 20,900, which modifies former Law No. 19,884, a higher base amount is provided by the state for electoral campaigns and enterprises are barred from providing funding to political parties or campaigns. In addition, anonymous donations became illegal and all donations must be transparently registered.

This reform introduced significant improvements with respect to probity and transparency, as indicated by Chile Transparente, a member organization of Transparency International.

Chilean Electoral Service (Servicio Electoral de Chile, Servel, www.servel.cl, last accessed: 13 January 2022).

On transparency, limit and control of electoral expenses:
Library of the National Congress (Biblioteca del Congreso Nacional, BCN), <https://www.bcn.cl/leychile/navegar?idNorma=1107658>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Captura de la política por el poder económico: donaciones de grandes empresarios inclinan la competencia electoral”, 13 May 2021, <https://www.ciperchile.cl/2021/05/13/captura-de-la-politica-por-el-poder-economico-donaciones-de-grandes-empresarios-inclinan-la-competencia-electoral>, last accessed: 13 January 2022.

Popular Decision-
Making
Score: 4

In present-day Latin America, the Chilean constitution is one of the most restrictive regarding direct democracy mechanisms (e.g., referendums, plebiscites and citizens’ initiatives). The penultimate nationwide plebiscite was initiated by the government in 1989, albeit during a military dictatorship and in the midst of the agreement process on the transition to democracy.

At the municipal level, the Organic Constitutional Law of Municipalities (2002) provides for popular consultations (i.e., plebiscites). These may be either top-down (at the initiative of a mayor, with the agreement of the council, or by the municipal council itself, with a two-thirds majority) or bottom-up (by a minimum of 10% of a municipality's citizens). Thus, the possibility to initiate referendums at the municipal level officially exists, but these referendums are not necessarily legally binding and may be ignored by the authorities.

As a result of the massive protests in 2019 and the subsequent agreement between the party elites to launch a new constitutional process (*Acuerdo por la Paz Social y la Nueva Constitución*), the Congress amended the constitution in order to allow for a national plebiscite on the elaboration of a new constitution, and further specified the composition of the institution that would be responsible for this task. In this plebiscite (the so-called entry plebiscite), which took place in October 2020, a great majority of voters supported the development of a new constitution by a constitutional convention elected especially for that purpose. By means of a further plebiscite (the so-called exit plebiscite) that will take place in 2022, Chile's citizens will be able to decide whether the new constitutional text should replace the currently valid constitution, or whether the latter should instead remain in force. Both plebiscites have had and will have a binding character; while voluntary voting applied to the entry plebiscite, voting is expected to be compulsory for the exit plebiscite.

Although these plebiscites should be considered exceptional tools used in a special situation, the new constitution is expected to expand and strengthen direct-democracy mechanisms.

Citation:

Claudia Zilla, Franziska F. N. Schreiber, *The Constitutional Process in Chile. The South American Country Is Searching for a New Social Contract*, SWP Comment 2020/C 17, 06.04.2020, doi:10.18449/2020C17, <https://www.swp-berlin.org/en/publication/the-constitutional-process-in-chile>, last accessed: 16 February 2022.

Access to Information

Media Freedom
Score: 8

The rules and practice of media supervision guarantee sufficient independence for public media. Privately owned media organizations are subject to licensing and regulatory regimes that ensure independence from the government. In its last edition (2017), the Freedom House index evaluated Chile's freedom of press as "free" whereas in 2015 it was still evaluated as "partly free." The report's authors stated that the level of violence and harassment faced by

journalists covering protests had significantly decreased since then. The index takes into account “the legal environment in which media operate, political influences on reporting and access to information, and economic pressures on content and the dissemination of news.” However, in the context of the social unrest that began in October 2019, repression against reporters was observed to increase, another phenomenon that was publicly denounced.

The latest Press Freedom Index 2021, published by the international NGO Reporters Without Borders, ranked Chile at 54th place out of 180 countries, a drop of three places compared to the previous year. Given Chile’s media landscape and its ideological and economic concentration, the degree of government influence over the media depends largely on which coalition is leading the government and clearly limits democratic debate, a fact also highlighted by the latest Press Freedom Index. The presidency of Piñera, a successful entrepreneur, was more market friendly, and was consequently closer to business and media interests.

Citation:

Freedom House, Freedom of the Press Index 2017, <https://freedomhouse.org/report/freedom-press/freedom-press-2017>, last accessed: 13 January 2022.

Reporters Without Borders, World Press Freedom Index 2021, <https://rsf.org/en/chile>, last accessed: 13 January 2022.

Media Pluralism
Score: 5

In general terms, the high concentration of media ownership in Chile notoriously limits democratic pluralistic debate. This is especially the case among print media, which is practically a duopoly. The El Mercurio group and Copesa together account for much of the country’s print sector, have the greatest share of readers and control of a considerable amount of the country’s advertising portfolio. The papers owned by these two dominant groups offer essentially uniform political-ideological projects, editorial positions, styles and news coverage. However, these newspapers tend to be more influential among Chile’s upper-middle class and political elites than among the broader public. A similar pattern is evident in the public-television sector, but on the whole, the digital sector offers a more diversified scope of opinion (especially on local radio stations and in a few online publications). All in all, there is a very narrow informational mainstream, with the government-owned TVN being the most dominant free station. Whether it presents politically balanced views and provides access to all viewpoints is a point of debate. At the end of 2017, TVN was declared bankrupt. A bailout package to ensure the channels survival was approved by the Senate in January 2018. The government also decided to create a cultural channel as part of the TVN capitalization project.

Citation:

Reporters Without Borders, World Press Freedom Index 2021, <https://rsf.org/en/chile>, last accessed: 13 January 2022.

Access to
Government
Information
Score: 7

Centro de Investigación Periodística (CIPER), “Crisis de la libertad de expresión en Chile”, 3 May 2021, <https://www.ciperchile.cl/2021/05/03/crisis-de-la-libertad-de-expresion-en-chile>, last accessed: 13 January 2022.

The statute on access to public information (Ley No. 20,285 sobre Transparencia de la Función Pública y Acceso a la Información de los Órganos de la Administración del Estado) was approved by Congress in August 2008 and implemented in 2009. It mandates two dimensions of transparency. The first dimension relates to “passive transparency,” and obliges all public institutions and authorities of the government to respond to any request for information constituted as public information within a 20-day period (with extensions of up to ten more days possible). The second dimension deals with “active transparency,” and requires governmental ministries and agencies to publish broad information on various topics on their websites. The statute also creates the Transparency Council (Consejo para la Transparencia), an independent agency responsible for monitoring transparency, regulating transparency practices and compelling public services to provide information should they refuse to do so. The Transparency Council’s board of directors is nominated by the executive and approved by the Senate. Information classified as a state secret is exempted from these transparency stipulations. This remains an important clause, as there are about 200 Chilean laws that are officially still classified as secret. These laws derive in some cases from the beginning of the 20th century, and in others from the military regime. Most are actually common knowledge but remain formally treated as secret.

The Sebastián Piñera government presented a draft law (Ley de Transparencia 2.0) that would expand the rules of the Transparency Law as it relates to some active transparency obligations, specifically to nonprofit legal entities that receive transfers of public funds and companies that hold concessions to provide public services. The bill was approved by the Senate in April 2021. Although the Transparency Law (Ley de Transparencia) leaves very little room for administrative interpretation, there have been cases of negligence regarding access to and publication of relevant information, especially at the municipal level.

Citation:

Law No 20,285 – About access to public information:
Library of the National Congress (Biblioteca del Congreso Nacional, BCN):<https://www.bcn.cl/leychile/navegar?idNorma=276363%20&idParte=0>, last accessed: 13 January 2022.

Chilean Transparency Council, <https://www.consejotransparencia.cl/>, last accessed: 13 January 2022.

On Secret Laws:

Consejo Transparencia, <https://www.consejotransparencia.cl/a-un-ano-de-la-publicacion-de-la-ley-reservada-del-cobre-aun-existen-199-leyes-secretas-en-nuestro-pais>, last accessed: 13 January 2022.

On the Transparency Law 2.0:

Consejo Transparencia, <https://www.consejotransparencia.cl/proyecto-de-ley-de-transparencia-2-0-aprobado-en-general-por-el-senado>, last accessed: 13 January 2022.

Transparency International (Chile Transparente), <http://www.chiletransparente.cl>, last accessed: 13 January 2022.

El Mostrador, “Fiscalización del CPLT evidenció que sólo una de cada cuatro asociaciones entrega información requerida vía Ley de Transparencia”, 30 August 2021, <https://www.elmostrador.cl/dia/2021/08/30/fiscalizacion-del-cplt-evidencio-que-solo-una-de-cada-cuatro-asociaciones-entrega-informacion-requerida-via-ley-de-transparencia>, last accessed: 13 January 2022.

Civil Rights and Political Liberties

Civil Rights
Score: 6

The state and the courts efficiently protect civil rights. However, the huge income gap in the population, as well as prevalence of discrimination against indigenous people and women, leads to inequality in the exercise of those rights. Anti-terror legislation – which dates back to 1984 and violates international conventions signed by Chile – has in recent years been applied in conflicts involving ethnic minorities, such as the Mapuche community in the southern region of Chile, generating human rights violations. There have been multiple cases in which detainees in the Mapuche conflict have been held significantly longer than average, independently of any results of an investigation. Two severe incidents were revealed during 2018 (the “Catrillanca case” and “Operation Huracán”) involving the infringement of rights and perpetration of criminal offenses by the government and police officials within the context of the Mapuche conflict.

Enacted in November 2016, Law No. 20,968 modified the competences of the military justice system defined by Law No. 20,477. Henceforth, no civilian – perpetrator or victim – will be prosecuted by military courts. The new law also introduced the crime of torture into the criminal code.

In response to the mass protest of October 2019, President Piñera declared a state of emergency that included a one-week curfew in several regions and the deployment of soldiers in the streets. Reports subsequently emerged that state forces – in particular the police (Carabineros) – had committed severe human-rights violations during protests and after arrests were made.

According to statistics from the Public Prosecutor’s Office and the National Institute for Human Rights (INDH) compiled by Amnesty International (AI), as of March 2021, there were more than 8,000 victims of state violence and more than 400 cases of eye trauma resulting from police actions during the protests that began in 2019. Former president and current High Commissioner of the United Nations’ Office for Human Rights (OHCHR) Michelle Bachelet

sent a team to investigate the incidents. The resulting report concluded that certain human rights violations, in particular the improper use of “less lethal” weapons and cases of ill treatment, had recurred repeatedly, and had involved the same alleged perpetrators and victims. One indicator of the violent reaction of the police during the mass protests were the 400 people who ended up with eye trauma as a result of projectiles fired by the security forces. As stated in their annual report for 2019, the INDH filed six individual complaints alleging homicide and 12 complaints on behalf of 20 victims alleging attempted homicide.

As for the limitation of rights, during the so-called state of catastrophe some rights such as freedom of movement and the freedom of assembly were restricted (for instance, a night curfew was declared from March 2020 to October 2021). Courts can review emergency measures, but the declaration of a state of exception itself cannot be subjected to judicial review, according to the constitution (Cofre 2020).

In addition, as stated by a report on Human Rights in Chile in the context of the pandemic, the right to confer privately with an attorney was seriously limited during the COVID-19 pandemic. Moreover, the report indicates that there is no official protocol for implementing the necessary means for this right to be respected. (Observatorio Ciudadano 2020).

Citation:

United Nations’ Office for Human Rights (OHCHR), Mission Report, December 2019, <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=S>, last accessed: 13 January 2022.

National Institute for Human Rights (INDH), <https://www.indh.cl/>, accessed: 13 January 2022.

National Institute for Human Rights (INDH), “Annual Report 2019”, November 2019, <https://bibliotecadigital.indh.cl/handle/123456789/1701>, last accessed: 13 January 2022.

National Institute for Human Rights (INDH), “Annual Report 2020”, December 2020, <https://bibliotecadigital.indh.cl/handle/123456789/1721>, last accessed: 13 January 2022.

Deutsche Welle (DW), “AI: Carabineros de Chile violaron derechos humanos durante protestas”, 15 October 2020, <https://www.dw.com/es/ai-carabineros-de-chile-violaron-derechos-humanos-durante-protestas/a-55281798>, last accessed: 13 January 2022.

El Mostrador, “Víctimas de trauma ocular del estallido social exigen reparación”, 5 November 2021, <https://www.elmostrador.cl/dia/2021/11/05/victimas-de-trauma-ocular-del-estallido-social-exigen-reparacion>, last accessed: 13 January 2022.

On the Chilean constitution and state of emergency:

Cofre, Leonardo, “Chile and COVID-19: A Constitutional Authoritarian Temptation”, 2020, <https://verfassungsblog.de/chile-and-covid-19-a-constitutional-authoritarian-temptation/>, last accessed: 12 January 2021.

On Human rights violations during the State of Catastrophe:

Observatorio Ciudadano, “Informe sobre situación de los derechos humanos en Chile en el contexto de Pandemia COVID-19”, 2020, https://observatorio.cl/final_informecoviddhh_9_12/, last accessed: 12 January 2021.

Political Liberties
Score: 6

In general, political rights are protected by the constitution and legislation and enforced by government policy and practice. As indicated by Human Rights Watch, “Chile’s current constitution upholds the right to ‘express opinions and to inform, without any prior censorship, in any form and by any means.’ But the country’s Penal Code contains a variety of vaguely worded articles that threaten free speech.” The constitution protects the freedom of conscience, the manifestation of all beliefs and the free exercise of all religions that are not contrary to morals, good customs or public order. The creation of unions is defined in the Labor Code, especially Article 227.

Compared to other countries in the region, unions in Chile enjoy relatively high levels of trust. Nevertheless, police interventions have sometimes crossed the line from guaranteeing law and order into repression – especially during the more intense period of the student movement, during protests by Chile’s indigenous people and during the mass demonstrations of October 2019, all of which exposed the limitations on the right to protest. Furthermore, the biased media landscape limits equal access to information and the opportunity to communicate different political opinions and versions of conflict situations.

Citation:

Human Rights Watch

<https://www.hrw.org/news/2022/03/04/chile-needs-more-free-speech-not-less>, last accessed: 27 March 2022.

Centro de Investigación Periodística (CIPER), “Sindicatos en tiempos de crisis: reviven pero son ignorados por la autoridad”, 1 May 2020, <https://www.ciperchile.cl/2020/05/01/sindicatos-en-tiempos-de-crisis-reviven-pero-son-ignorados-por-la-autoridad>, last accessed: 27 March 2022.

Non-
discrimination
Score: 6

Political rights are protected by legislature and government bodies. However, in this realm, major failings can be seen, for example, in the case of the Mapuche conflict in the southern part of Chile. The Mapuche are not constitutionally recognized as an ethnic minority with collective rights. Despite official denials, some Mapuche captives claim to be political prisoners. In June 2017, former President Bachelet officially apologized to the Mapuches for the “mistakes and horrors” (errores y horrores) committed or tolerated by the state toward these communities. She presented a draft law that seeks the recognition of collective rights for the Mapuche community and their language (mapudungún), introduces a holiday in their honor (Día Nacional de los Pueblos Originarios) and creates the Ministry of the Indigenous Peoples and the Council of Indigenous Peoples. Despite long debates in the National Congress, this draft law had not been approved as of the time of writing.

President Sebastián Piñera continued emphasizing the urgent need to create a proper ministry and secure constitutional recognition for indigenous peoples. However, he had made no progress on this issue by the end of the review

period. The constitutional convention is expected to reach a consensus declaring Chile to be a plurinational estate.

With regard to gender, Chile was ranked 70th out of 156 countries in the 2021 Global Gender Gap Index; its parity-imparity score (ranging from 0.00 = imparity to 1.00 = parity) is 0.716, technically the same result as in previous years, but a considerable improvement compared to the initial such report in 2006.

As of the time of writing, only about 22.6% of Chile's serving deputies (35 of 155) and 25.5% of the senators (11 of the current 43, as seven positions still needed to be elected by the end of the period under review) were women, a slightly better average than seen during the former legislative period. Nonetheless, these averages are much lower than comparable shares elsewhere in Latin America or in the OECD as a whole. In order to improve the ratio of women representatives, a new electoral law obliges political parties' electoral slates to be composed of at least 40% women beginning in the 2017 elections, and provides financial incentives for the candidacy and election of women. Furthermore, a new labor-reform package enacted in August 2016 mandated that at least 30% of labor-union representatives be women. Thanks to strong gender equity provisions, a constitutional convention composed of 78 men and 77 women was elected in 2021.

Same-sex marriage and the adoption of children by same-sex couples became legal in December 2021, when Law No. 21,400 was enacted. The law is scheduled to come into effect in March 2022.

Citation:

On the creation of the Ministry for Indigenous affairs:

Library of the National Congress (Biblioteca del Congreso Nacional, BCN), https://www.bcn.cl/asesoriasparlamentarias/detalle_documento.html?id=51774, last accessed: 13 January 2022.

On same-sex marriage and same-sex couples' adoption:

Library of the National Congress (Biblioteca del Congreso Nacional, BCN), <https://www.bcn.cl/leychile/navegar?idNorma=1169572>, last accessed: 13 January 2022.

Interparliamentary Union, Situation as of 1. February 2019, <http://archive.ipu.org/wmn-e/classif.htm>, last accessed: 13 January 2022.

World Economic Forum, "Gender Gap Report 2021 for Chile", <https://www.weforum.org/reports/global-gender-gap-report-2021>, last accessed: 13 January 2022.

On Acuerdo Nacional por la Araucanía:

Gobierno de Chile, <https://www.gob.cl/acuerdoporlaaraucaania/#:~:text=El%20objetivo%20principal%20es%20generar,y%20bienestar%20para%20las%20familias>, last accessed: 13 January 2022.

Rule of Law

Legal Certainty
Score: 7

Acts and decisions made by the government and official administrative bodies take place strictly in accordance with legislation. There are moderately effective autonomous institutions that play an oversight role with regard to government activity, including the Office of the General Comptroller (Contraloría General de la República) and the monitoring functions of the Chamber of Deputies. Government actions are moderately predictable and conform largely to limitations and restrictions imposed by law.

Judicial Review
Score: 8

Chile's judiciary is independent and performs its oversight functions appropriately. Mechanisms for judicial review of legislative and executive acts are in place. The 2005 reforms enhanced the Constitutional Tribunal's autonomy and jurisdiction concerning the constitutionality of laws and administrative acts. Also, during the COVID-19 pandemic and the month-long state of catastrophe, independent courts and the Comptroller General's Office exercised their right to monitor administration acts in conformity with the law, although with reduced operational capacity due to the public health restrictions.

In the second half of 2019, a dispute between the Supreme Court and the Constitutional Tribunal emerged over the issue of judicial supremacy. As the judicial institution in charge of reviewing potential infringements of fundamental rights, the Supreme Court argued that this mandate gave it the power to review sentences handed down by the Constitutional Tribunal. The dispute had not been resolved by the end of the period under review.

In the recent past, Chilean courts demonstrated their independence through their handling of the corruption scandals revealed over the past few years, which have included political parties and a large number of the country's politicians. Nevertheless, the sentences imposed so far have tended to be rather light.

Citation:

Carey, "El funcionamiento de los tribunales nacionales a raíz del COVID-19", 21 March 2020, <https://www.carey.cl/el-funcionamiento-de-los-tribunales-nacionales-a-raiz-del-covid-19>, last accessed: 13 January 2022.

García Mejía, Mauricio, "Justicia y COVID-19: 3 formas de impartir justicia durante una pandemia", 2020, <https://blogs.iadb.org/seguridad-ciudadana/es/justicia-y-covid-19-3-formas-de-impartir-justicia-durante-una-pandemia>, last accessed: 13 January 2022.

La Tercera, "Suprema versus TC: Los rounds que han marcado la disputa jurisdiccional entre ambos tribunales", 10 October 2019, Suprema versus TC: Los rounds que han marcado la disputa jurisdiccional entre ambos tribunales, <https://www.latercera.com/nacional/noticia/corte-suprema-tribunal-constitucional-disputa/853582>, last accessed: 13 January 2022.

Appointment of
Justices
Score: 9

Members of the Supreme and Constitutional Courts are appointed collaboratively by the executive and the Senate in a transparent process.

In the case of the Constitutional Court, 10 magistrates are appointed in the following manner:

- a) Three are appointed by the president of the republic.
- b) Four are elected by the National Congress. Two are directly appointed by the Senate and two are previously proposed by the Chamber of Deputies for approval or rejection by the Senate. The appointments, or the proposal as the case may be, must be made in a single vote, and require for their approval the favorable vote of two-thirds of the senators or deputies currently in office.
- c) Three are elected by the Supreme Court in a secret ballot, to be held in a session specially called for such purpose.

The members of the court serve for a term of nine years and are renewed every three years.

In the case of the Supreme Court, the 21 ministers are appointed by the president of the republic, with the agreement of the Senate. The candidates are approved by two-thirds of the currently serving members in a session specially called for such purpose. The president may only submit to the Senate for approval one person from a list of five proposed by the Supreme Court itself.

In recent years, there have been several cases in which the judiciary has acted to check executive power. This has come in the area of environmental policy, for example, in which the Supreme Court has affirmed its autonomy and independence from political influence.

Corruption
Prevention
Score: 6

In general terms, the integrity of the public sector is a given, especially on the national level. The most notable problem consists in the strong ties between high-level officials and the private sector. No matter what their ideological position, political and economic elites overlap significantly, thus reinforcing privilege. However, this connection tended to be more evident in the Piñera government, as many members of the Chile Vamos – including the president himself – were powerful businesspeople. Such entanglements produce conflicts of interest in policymaking (e.g., in regulatory affairs), as the recent “Dominga case” (Caso Dominga), a controversial mining project on the north-central coast of Chile which involved the current president, his family and several important businessmen.

There are no regulations mandating transparency with regard to potential conflicts of interest among high-ranking politicians (e.g., the president or government ministers). The corruption scandals revealed in recent years have shown that such questionable practices are more common than the country’s scores on international transparency indexes might suggest. Especially at the

municipal and regional level, contracting and public tenders tend to be more susceptible to corruption.

In response to the corruption scandals earlier in the decade, former President Bachelet convoked a council (Consejo Asesor Presidencial contra los Conflictos de Interés, el Tráfico de Influencias y la Corrupción) that in its final report (April 2015) proposed several anti-corruption measures intended to prevent abuse of office. Restrictions on private campaign funding (Ley sobre Fortalecimiento y Transparencia de la Democracia) and the creation of a public register for all lobbyists were subsequently implemented in 2016.

Under President Piñera, a modification of the law on transparency (Ley de Transparencia 2.0) was passed in order to improve the existing regulation in the field of active transparency. The amendment specifically addressed nonprofit legal entities that receive transfers of public funds and companies that are awarded concessions to provide public services.

Citation:

Presidential Council on Corruption (Consejo Asesor Presidencial Contra los Conflictos de Interés, el Tráfico de Influencias, y la Corrupción), April 2015, <http://consejoanticorruccion.cl/lanzamiento-final>, last accessed: 13 January 2022.

Chilean government:

Plataforma Ley de Lobby, <https://www.leylobby.gob.cl>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Pandora Papers: Familias Piñera y Délano sellaron millonaria compraventa de Minera Dominga en Islas Vírgenes Británicas”, 3 October 2021, <https://www.ciperchile.cl/2021/10/03/pandora-papers-familias-pinera-y-delano-sellaron-millonaria-compraventa-de-minera-dominga-en-islas-virgenes-britanicas>, last accessed: 13 January 2022.

Good Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 7

The president has the ability to ask for and ensure strategic planning, whether through formal or informal channels. Line ministries, most notably the Ministry of Finance, and the president's advisory ministry (Secretaría General de la Presidencia, Segpres), have considerable influence in strategic planning processes. Meetings between strategic planning staff and the head of government are held frequently. However, no long-term view of policy challenges and viable solutions is necessarily presented – these are either limited in scope or depth of impact depending on the topic. Strategic planning, policy-planning and regulatory reforms, budget planning, and ex ante evaluation of government policies and public-investment programs are carried out by specialist units and departments inside the various ministries. While there is no explicit multi-year budget planning process in place in Chile, this takes place implicitly due to the fiscal rule that (by law) links overall government expenditure to forward-looking estimates of long-term government revenue, based on growth trends and copper-price projections. These forecasts are provided in a transparent way by specialist budgetary commissions comprised of academic and private sector experts (mostly professional economists).

Expert Advice
Score: 8

Technocratic institutions and practices play an important role in government decision-making. Experts from academia, NGOs, partisan think tanks and the private sector are very influential in the preparation of government (presidential) programs and the development of policy-reform proposals by presidential or ministerial technical commissions. These technical commissions, which are charged with proposing policy reforms in specific areas (education, pension, social and wage policies, minimum wage policy, fiscal rule, etc.) or for singular policy challenges (e.g., corruption), tend to have significant impact on government legislation. Commissions are largely comprised of experts, and to a minor extent of representatives of interested

parties, and cover a wide political spectrum. This kind of technical input into the policymaking process belongs to the technocratic tradition in Chilean politics. As a political practice, this can be described as institutionalized, as both the former and the current party coalition followed this tradition. The main policies of government programs tend to be elaborated and accompanied by expert commissions. Some reform initiatives in the education and environmental sectors, for example, have been accelerated or even blocked due to ideological differences within the commissions dealing with the issue. Experts (economists and lawyers in particular) are a key factor in drafting the reform proposals submitted to the president or to ministers.

Interministerial Coordination

GO Expertise
Score: 9

The president's advisory ministry (Ministerio Secretaría General de la Presidencia, Segpres) and the Government or Cabinet Office (Ministerio Secretaría General de Gobierno, Segegob) have the necessary instruments and capacities at their disposal to monitor and evaluate the policy content of line-ministry proposals. Nevertheless, channels of evaluation and advice are not fully institutionalized, and may change with each new head of state.

Line Ministries
Score: 9

The Government or Cabinet Office and line ministries have a strong tendency to coordinate activity, and in practice the president or Government Office and the Ministry of Finance are nearly always involved in the preparation of policy proposals. No serving minister would ignore the president's opinion in the preparation and elaboration of a policy proposal.

Cabinet
Committees
Score: 6

Ministerial or cabinet committees are not necessarily central when it comes to decision-making on policy matters. Depending on the topic, ministerial committees are more or less involved in preparing cabinet proposals, especially those of relatively significant strategic or financial importance. These proposals are normally coordinated effectively.

Ministerial
Bureaucracy
Score: 7

Ministry staff and civil servants do not always play a dominant role in the drafting of policy proposals before those proposals reach ministerial committees. Depending on the ministry and the importance of the proposal, officials and civil servants are more or less effectively involved in the preparation and coordination process. Ministry staff and civil servants can request technical support in particular subject-matter areas from the Library of the National Congress of Chile (BCN).

Citation:

Library of the National Congress of Chile (Biblioteca del Congreso Nacional de Chile, BCN), <https://www.bcn.cl/portal>, last accessed: 13 January 2022.

Informal
Coordination
Score: 8

Informal coordination plays an important role in settling issues so that the cabinet can focus on strategic-policy debates. Existing informal mechanisms might be characterized as “formal informality,” as informal coordination mechanisms are de facto as institutionalized as formal ones in daily political practice.

Digitalization for
Interministerial
Coordination
Score: 8

The president’s advisory ministry (Ministerio Secretaría General de la Presidencia, Segpres) and the Division for Digital Government support line ministries and respective services with digitalization, facilitating instruments and providing advice regarding the implementation of digital services. The implementation of the Digital Agenda 2020, released in 2015, has been continued by the current government of Sebastián Piñera. In general, and especially in comparison with other Latin American countries, the level of digitalization regarding public information and services in Chile is quite advanced.

Chile is trying to follow OECD recommendations to ensure consistency in the use of technology as an enabler for open government. To achieve this, public institutions have increasingly adopted digital tools and open-government agendas.

As indicated on the official government website, 70% of all administrative procedures (including both procedures between different public entities and state-to-citizen procedures) could be carried out digitally by the end of 2021. In addition, an online platform with the objective of strengthening communication between the Congress and citizens was established in June 2020. The platform provides updates on the progress of draft laws, public consultations and voting results.

Citation:

On The implementation of the Digital Agenda 2020:

Chilean Government, <http://www.agendadigital.gob.cl>, last accessed: 13 January 2022.

Digital Government (Gobierno Digital), <https://digital.gob.cl>, last accessed: 13 January 2022.

Chilean Virtual Congress website, <https://congresovirtual.cl>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), Digital Government in Chile, Strengthening the Institutional and Governance Framework, 2016, https://www.oecd-ilibrary.org/governance/digital-government-in-chile_9789264258013-en, last accessed: 13 January 2022.

Evidence-based Instruments

RIA Application
Score: 8

The OECD Regulatory Policy Outlook 2021 notes that Chile has made important improvements to its regulatory management tools in recent years. All newly proposed laws must be accompanied by a report summarizing their predicted fiscal impact and the financial implications for the government

budget. This report is always prepared by the fiscal department of the corresponding ministry. Chile also has a constitutional restriction on policy proposals that imply budget changes. Legally, there is no obligation to present a report concerning potential socioeconomic impacts that do not implicate the state budgets, but political practice shows that those aspects are normally also considered.

Furthermore, there are supervisory bodies (Superintendencias) that monitor enterprises within specific sectors and produce evaluations and reports.

In a strictly legal sense, these supervisory bodies do not have the specific objective of evaluating the impact of new regulations or proposed modifications to the legal framework. Nevertheless, the evaluation of possible impacts tends to be one result of their work. Chile currently features the following supervisory bodies:

- Supervisory Board for Social Security (Superintendencia de Seguridad Social)
- Supervisory Board for Electricity and Fuels (Superintendencia de Electricidad y Combustibles)
- Supervisory Board for Health Services (Superintendencia de Servicios Sanitarios)
- Supervisory Board for Health (Superintendencia de Salud)
- Supervisory Board for Casinos (Superintendencia de Casinos de Juegos)
- Supervisory Board for Pensions (Superintendencia de Pensiones)
- Supervisory Board for the Environment (Superintendencia del Medio Ambiente)
- Supervisory Board for Education (Superintendencia de Educación)
- Supervisory Board for Bankruptcy and Re-entrepreneurship (Superintendencia de Insolvencia y Reemprendimiento)
- Supervisory Board for Financial Markets (Comisión para el Mercado Financiero)
- Supervisory Board for Higher Education (Superintendencia de Educación Superior)

In some areas, the line ministries serve as the oversight body for regulatory impact assessments (RIAs) reviews.

In January 2018, the former Supervisory Board for Securities and Insurance was transformed into the Steering Committee for the Financial Market (Consejo de la Comisión para el Mercado Financiero), and given a wider scope of responsibilities. Additionally, the Supervisory Board for Higher Education was created in the same year.

In addition, as indicated by the OECD Regulatory Policy Outlook 2021, a presidential instruction from 2019 introduced new requirements for ex post evaluation. “Subordinate regulations for which a high impact RIA was conducted are now required to be evaluated four years after their enactment. In addition, each ministry publishes on their website a list of existing regulations for the public to provide comments and feedback for potential review” (OECD Regulatory Policy Outlook 2021, p. 226).

Citation:

Organisation for Economic Co-operation and Development (OECD), “OECD Regulatory Policy Outlook 2021”, 2021, https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_38b0fdb1-en, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Reviews of Regulatory Reform Evaluation Report: Regulatory Impact Assessment (Chile)”, 2017, <https://www.oecd.org/gov/regulatory-policy/regulatory-impact-assessment-in-chile.htm>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation”, 2016, https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile_9789264254596-en, last accessed: 13 January 2022.

Quality of RIA
Process
Score: 6

Given the partly informal and non-institutionalized character of instruments used for regulatory impact assessments, reports do not necessarily specify the purpose of and the need for a regulation. Furthermore, they do not tend to analyze alternative options. Depending on the topic, stakeholders may play a certain role in the RIA process, but this does not entail a high degree of relevance within the political process over the medium or long term. As stated in Regulatory Impact Assessment published by the OECD in 2017, there is no standardized practice for regulatory consultations, for instance with regard to the length, scope, timing and procedural mechanisms. RIA assessments are not routinely evaluated by independent bodies.

As indicated by the OECD Regulatory Policy Outlook 2021, since 2019 “public consultations are also required for major regulatory proposals for which a high impact RIA is to be conducted. Chile makes voluntary guidelines on consultation mechanisms available to regulators and links to ministries’ consultation portals are listed on a central website. In order to continue improving stakeholder engagement practices, Chile needs to ensure that these recent requirements are systematically implemented in practice, including involving stakeholders earlier in the decision-making process, and not only when there is already a draft regulation” (OECD Regulatory Policy Outlook 2021, p. 226).

Citation:

Organisation for Economic Co-operation and Development (OECD), “OECD Regulatory Policy Outlook 2021”, 2021, https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_38b0fdb1-en, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Reviews of Regulatory Reform Evaluation Report: Regulatory Impact Assessment (Chile)”, 2017, <https://www.oecd.org/gov/regulatory-policy/regulatory-impact-assessment-in-chile.htm>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation”, 2016, https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile_9789264254596-en, last accessed: 13 January 2022.

Sustainability
Check
Score: 5

RIAs do not necessarily analyze a regulation’s impact on sustainability in the broad sense. Short-, medium- and long-term analysis tends to focus exclusively on economic rather than ecological or social issues. Some exploratory efforts have been made to include wider and standardized sustainability checks within the RIA framework in the future.

Citation:

Organisation for Economic Co-operation and Development (OECD), “OECD Regulatory Policy Outlook 2021”, 2021, https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_38b0fdb1-en, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Reviews of Regulatory Reform Evaluation Report: Regulatory Impact Assessment (Chile)”, 2017, <https://www.oecd.org/gov/regulatory-policy/regulatory-impact-assessment-in-chile.htm>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation”, 2016, https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile_9789264254596-en, last accessed: 13 January 2022.

Quality of Ex
Post Evaluation
Score: 6

Since 1997, the Ministry of Finance’s Budget Office (Dirección de Presupuestos, DIPRES) has had the power to assign specific budgets to line ministries for the contracting of external consultants to carry out ex post evaluations of their government programs (Evaluación de Programas Gubernamentales, EPG). Programs or institutions to be evaluated are agreed on with the Congress annually, with the instruction coming via ministerial decree. The evaluation results are normally made publicly and freely available.

Citation:

Evaluation of government programs:

Budget Office (Dirección de Presupuesto, DIPRES), Evaluación de Programas Gubernamentales (EPG), <http://www.dipres.gob.cl/598/w3-article-111762.html>

Budget Office (Dirección de Presupuesto, DIPRES), “Evaluación Focalizada de Ámbito EFA”, October 2016, <http://www.dipres.gob.cl/598/w3-article-154357.html>, last accessed: 13 January 2022.

Societal Consultation

Public
Consultation
Score: 6

Frequent consultations with civil society groups and particularly stakeholder organizations take place. However, consultations tend to be inclined toward economic-interest groups. By contrast, unions and environmental

organizations are often underrepresented. Online surveys have been implemented with the aim of gauging opinions within the non-institutionalized public. The president's advisory ministry (Secretaría General de la Presidencia, Segpres) is primarily responsible for initiating and monitoring consultations. Depending on the issue, sectoral institutions can also be involved. The ad hoc advisory commissions represent another means of societal consultation, as they include interest-group representatives, experts and other stakeholders.

Policy Communication

Coherent
Communication
Score: 4

Each new government designs its own communication policy. As a result, strategic communication often tends to be rather haphazard at the beginning of a presidential term, but improves as the administration gains experience. During the period under review, the government's communication and coherence regarding public announcements worsened significantly. Several announcements were perceived by the public as contributing to and accelerating the generalized discontent and social crisis. Incoherence and lapses in the field of government communication were particularly noticeable during the October 2019 protests and the initial phase of the COVID-19 pandemic in 2020. For instance, in announcing the curfew, President Piñera announced that "we are at war," a statement that he withdrew two days later and followed up with a public apology. Furthermore, the then-serving health minister publicly declared that the government had been unaware of the overcrowded housing conditions experienced by a large population of vulnerable families, especially in the Santiago Metropolitan Region. As a political response to this questionable management, President Piñera decided to appoint a new minister of health in June 2020, at the peak of the pandemic.

Citation:

El Mostrador, "En medio de la pandemia del Covid-19, Mañalich reconoce que en Santiago "hay un nivel de pobreza y hacinamiento del cual yo no tenía conciencia", 28 May 2020, <https://www.elmostrador.cl/dia/2020/05/28/en-medio-de-la-pandemia-del-covid-19-manalich-reconoce-que-en-santiago-hay-un-nivel-de-pobreza-y-hacinamiento-del-cual-yo-no-tenia-conciencia>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), "Ensayando la comunicación de crisis en plena crisis", 1 April 2020, <https://www.ciperchile.cl/2020/04/01/ensayando-la-comunicacion-de-crisis-en-plena-crisis>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), "Piñera, el discurso político como una cartera de inversiones", 12 December 2019, <https://www.ciperchile.cl/2019/12/12/pinera-el-discurso-politico-como-una-cartera-de-inversiones>, last accessed: 13 January 2022.

Implementation

Government
Effectiveness
Score: 5

Implementation performance varies widely, ranging from excellent in areas where benchmarks and oversight mechanisms are strictly enforced (i.e., the general government budget) to weak in less rigidly monitored areas (i.e., implementation of some sectoral reforms such as Transantiago, the Santiago transport system). In general terms, far-reaching reforms that would require constitutional change and thus support by at least three-fifths of the national deputies and senators have not been considered as a part of government programs. Thus, this high hurdle has not proved to be a practical obstacle in the achievement of governments' core policy objectives.

Due to the mass protests and strikes of October 2019, the government under President Piñera had to adjust its program and policy objectives significantly in order to restore social order and peace. This situation has been exacerbated by the COVID-19 pandemic, which forced the government to reallocate resources and redefine priorities.

The website of the Intelligent Citizenship Foundation (Fundación Ciudadanía Inteligente) reviews the balance of compliance between the Piñera government's second-year legislative promises and the announcements made during the social mobilizations in Chile. By the end of the period under review, the rate of compliance was indicated as only 37% (the percentage indicates the average progress made by all the promises contained in the government program).

Independent initiative to measure and assess implementation of the government program:
Intelligent Citizenship Foundation (Ciudadanía Inteligente), <https://ciudadaniai.org>, last accessed: 13 January 2022.
Intelligent Citizenship Foundation (Ciudadanía Inteligente), "Del deicho al hecho. Cuánto cumple el gobierno", <https://deldichoalhecho.cl>, last accessed: 13 January 2022.

Ministerial
Compliance
Score: 9

The president annually evaluates his or her ministers' policy performance. In a commission consisting of the president's advisory ministry (Secretaría General de la Presidencia, Segpres) and budgetary units of the government, ministers have to present their sectoral priorities, and if necessary, arrangements and modifications are made to ensure alignment with the government program.

Monitoring
Ministries
Score: 9

The president's advisory ministry (Secretaría General de la Presidencia, Segpres) and the respective budgetary units of the government monitor the line ministries (especially within the annual performance evaluation). If necessary, arrangements and modifications are made in order to ensure effective alignment with the government program. Monitoring of effectiveness seems to have improved slightly since 2011.

Monitoring
Agencies,
Bureaucracies
Score: 7

To a certain extent, high positions in government agencies are filled not via political appointments but through the government's civil service department (Alta Dirección Pública, ADP), based on candidates' technical capacity and experience. Clear goals are identified by the directors of executive agencies and the corresponding ministries. Exhaustive evaluations of the system and of personnel choices are performed annually by the minister, the civil service and the president's advisory ministry (Secretaría General de la Presidencia, Segpres). In addition, the Ministry of Finance's budget office monitors decentralized agencies and public enterprises from a budgetary perspective very tightly and effectively. Nevertheless, the changes in government in 2014 and 2018 showed that the selection of candidates through the ADP is in fact only moderately institutionalized, as there is still an understanding that a successful candidate is a "government officer" rather than a "state officer." The monitoring of bureaucratic activities and executive agencies, especially at the subnational level, tends to be distorted by this effect.

Task Funding
Score: 6

Chile's central government exercises strong control over municipal and regional budgets, and accounts for a significant proportion of local revenue. Currently, about 18% of the federal government's budget is redistributed to the regional and local level (OECD average is about 45%). The assignment of originally regionally held duties to the municipal level has not necessarily implied a corresponding allocation of sufficient new funding.

Municipal programs are monitored relatively closely by the central government, although spending overruns do sometimes occur, resulting in local-government debt. The quality of services (e.g., the public health and education systems) provided by less wealthy municipalities are sometimes below average as some municipalities are unable to raise the income required to effectively provide the services themselves. This challenge is characteristic of Chile's centralized state structure and must be regarded as a structural problem.

In 2021, regional mayors (Intendentes Regionales) were replaced by regional governors (Gobernadores Regionales). The latter are now directly elected by the people, which enables citizens to hold them accountable for promises made in their electoral campaigns. They are responsible for regional and urban planning, the administration of the National Fund for Regional Development (Fondo Nacional de Desarrollo Regional, FNDR), and implementation of social and economic policies at the regional level. Additionally, three new regional divisions were created by Law 21,074: Industrial Advancement (Fomento e Industria), Human Development, and Infrastructure and Transport.

Citation:

On Chile's decentralization process and the election of Regional Governors:
Undersecretariat of Regional and Administrative Development (Subsecretaría de Desarrollo Regional y

Administrativo, Subdere), <https://www.descentralizachile.cl/conoces-las-funciones-de-un-gobernador-regional-descubre-todo-los-detalles>, last accessed: 13 January 2022.

Fundación Chile Descentralizado, <https://chiledescentralizado.cl>, last accessed: 13 January 2022.

Final Report of the Commission on Decentralization:

Fundación Chile Descentralizado, “Informe final – Comisión Asesora Presidencial”, 7 October 2014, <https://chiledescentralizado.cl/documentos>, last accessed: 13 January 2022.

On Law No 21,074 – Strengthening the Regionalization of the Country:

Library of the National Congress of Chile (Biblioteca del Congreso Nacional de Chile, BCN), <https://www.bcn.cl/leychile/navegar?idNorma=1115064>, last accessed: 13 January 2022.

On Subnational Finance:

Organisation for Economic Co-operation and Development (OECD), <https://www.oecd.org/regional/regionaldevelopment/mlgsngpublicfinance.htm>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Making Decentralisation Work in Chile”, September 2017, <https://www.oecd.org/chile/making-decentralisation-work-in-chile-9789264279049-en.htm>, last accessed: 13 January 2022.

Constitutional
Discretion
Score: 7

Chile is a centrally organized state, rather than a federal state. This represents a structural problem given the wide range of differences between the various regions with respect to geography, level of development and density of population. Nevertheless, local governments legally enjoy a considerable degree of autonomy concerning mandates and tasks that do not touch on constitutional issues and can be executed within the allocated budget. Furthermore, the government has tended to devolve responsibilities to local governments (i.e., in the domain of urban regulation). In comparison to the local or municipal levels, regional governments enjoy a relatively high degree of budget autonomy.

In January 2018, a law (Ley No. 21,074) was enacted that enhances the regionalization of the state (Ley para el Fortalecimiento de la regionalización en Chile). This can be seen as an important step in the context of the ongoing decentralization process. Since July 2021, regional governors have been directly elected and are therefore politically independent from the national government. A regional presidential delegate, serving as representative of the national government, is responsible for the coordination, supervision and oversight of public services operating in the region that depend on or are related to a ministry. These delegates exercise their respective functions in accordance with the orders and instructions of the president.

Citation:

On decentralization:

Fundación Chile Descentralizado, <https://chiledescentralizado.cl>, last accessed: 13 January 2022.

On Law Nr. 21,074:

Library of the National Congress of Chile (Biblioteca del Congreso Nacional de Chile, BCN): <https://www.bcn.cl/leychile/navegar?idNorma=1115064>, last accessed: 13 January 2022.

Regional Governments:

Undersecretary of Regional and Administrative Development (Subsecretaría de Desarrollo Regional y Administrativo), <http://www.subdere.gob.cl/autoridades-nacionales/gobernadores-regionales>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Making Decentralisation Work in Chile”, September 2017, <https://www.oecd.org/chile/making-decentralisation-work-in-chile-9789264279049-en.htm>, last accessed: 13 January 2022.

National
Standards
Score: 4

Due to the different financing structures at the regional and municipal levels, the national government can guarantee services at an adequate standard only at the regional level. The central government has clearly failed to establish nationally upheld standards at the municipal level. Relatively poor municipalities and those in rural regions often lack the capacity and economic resources to meet national standards for public services, especially in the fields of healthcare and education. This segregation is also evident in Santiago itself, where public schools in richer districts clearly tend to show higher standards and better results than public schools from poorer districts. The same is true of public health institutions. In comparison to previous years, a slight improvement can be noticed in the field of education and primary healthcare. Nevertheless, there is still a huge gap to be closed.

Citation:

On disparities between rural and urban schools:

Centro de Investigación Periodística (CIPER), “¿Por qué las escuelas rurales deberían reabrir?”, 1 September 2020, <https://www.ciperchile.cl/2020/09/01/por-que-las-escuelas-rurales-deberian-reabrir>, last accessed: 13 January 2022.

Example of an infrastructure governance analysis:

Organisation for Economic Co-operation and Development (OECD), “Brechas y estándares de gobernanza de la infraestructura Pública en Chile”, May 2017, <https://www.oecd.org/gov/brechas-y-estandares-de-gobernanza-de-la-infraestructura-publica-en-chile-9789264286948-es.htm><https://tribunalambiental.cl>, last accessed: 13 January 2022.

Effective
Regulatory
Enforcement
Score: 6

Some regulations are highly influenced by economic-interest groups, especially regulations affecting the productive sectors (e.g., fishing, agriculture and the mining industry). However, once enacted, government agencies usually enforce regulations effectively and without bias. Therefore, it’s more a question of how regulations are designed than a question of their enforcement.

Adaptability

Domestic
Adaptability
Score: 5

In general terms, the reform of domestic governing structures tends to be driven by national fiscal policy concerns, which means that any innovation implying financial changes (such as a budget augmentation for a certain ministry or for a department within a ministry) is very difficult or even impossible to realize. Changes concerning topics that might be of future

interest and do not directly affect current political challenges – for example, the expansion of a department’s staff or the creation of a new unit dedicated to topics of possible future interest – are driven more by fiscal or political reasons and political cycles than by international or supranational developments. However, Law No. 20,600 of 2012 established environmental tribunals (Tribunales Ambientales) in three regions of the country (north, central and south). The creation of the Ministry of Science, Technology, Knowledge and Innovation (Ministerio de Ciencia, Tecnología, Conocimiento e Innovación, MICITEC) in 2018, as well as the reconfiguration of some supervisory boards, can be seen as a domestic adaptation responding to international and supranational developments. The planned creation of the Agency for Personal Data Protection (Agencia de Protección de Datos Personales) represents another step in line with international and supranational developments.

Citation:

On the Environmental Tribunals, <https://tribunalambiental.cl>, last accessed: 13 January 2022.

On the Ministry of Science, Technology, Knowledge and Innovation (Ministerio de Ciencia, Tecnología, Conocimiento e Innovación, MICITEC), <https://www.minciencia.gob.cl>, last accessed: 13 January 2022.

International
Coordination
Score: 7

The government is endowed with the institutional capacity to contribute actively to international efforts to foster the provision of global public goods. The government actively participates in the international coordination of joint reform initiatives. This is underlined by the fact that Chile represents one of the most active countries in Latin America with regard to international policymaking initiatives. However, the impacts of national policies on these global challenges are not always systematically assessed and then incorporated into the formulation, coordination and monitoring of policies across government.

Organizational Reform

Self-monitoring
Score: 6

Ministries are required to establish sectoral goals that are evaluated annually. Reports are presented on a quarterly basis but do not focus directly on the adequacy of institutional arrangements. For example, while the accomplishment of ministerial goals is evaluated, the overall adequacy of the ministry is not. Although the Ministry of Finance assesses the adequacy of institutional arrangements in the case of new law proposals, there is no specific institution assigned to monitor pre-existing institutional arrangements. Furthermore, to a certain degree, changes in institutional arrangements tend to be influenced by personnel criteria and are not driven by an effort to introduce long-run strategic structural change. Ministry portfolios are subject to sporadic monitoring while procedures and work formats are subject to regular monitoring.

Institutional
Reform
Score: 7

In recent years, some improvements in strategic capacity have been made by modifying institutional arrangements. For example, in 2012 the erstwhile Ministry for Planning and Co-operation (Ministerio de Planificación y Cooperación, Mideplan) was transformed into the Ministry of Social Development and Family (Ministerio de Desarrollo Social y Familia, MDS), with some minor institutional changes that increased its strategic capacity, and the Ministry of Science, Technology, Knowledge and Innovation was created in 2018. In September 2021, President Piñera signed a law creating the Ministry of Public Security (Ministerio de Seguridad Pública), including the Agency for Cybersecurity, as part of the modernization of the country's state security and citizen protection apparatus. Furthermore, the reorganization of complementary institutions such as environmental tribunals (Tribunales Ambientales) and the reconfiguration of supervisory boards (Superintendencias) over the past decade has improved capacity in these areas. However, in general terms, attempts to alter institutional arrangements tend to encounter substantial bureaucratic obstacles.

Citation:

Chilean Government on the creation of the Ministry of Public Security, <https://www.gob.cl/noticias/presidente-pinera-firma-proyecto-de-ley-que-crea-el-ministerio-de-seguridad-publica-este-sistema-debe-poner-las-personas-sus-libertades-y-sus-derechos-en-el-centro-de-sus-prioridades>, last accessed: 13 January 2022.

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 5

Print media discussion of policy reform proposals and government programs is relatively widespread, including discussion of reform proposals and options presented by the ad hoc policy reform commissions. This has been recently displayed following the proposal of education, pension, fiscal and labor reforms. New forms of public communication regarding government policymaking are emerging, in many cases through websites and social networks. Yet a large share of the population is excluded from such discussion due to low levels of education, limited understanding of in-depth analysis and/or its lack of exposure to media other than television. For instance, a study conducted by the National Council for Culture and Arts in 2011 (Consejo Nacional de la Cultura y las Artes, CNCA) found that 84% of Chileans of all ages did not have an adequate understanding of content they had read. This observation was confirmed by a 2015 study of the Program for International Student Assessment (PISA) on the reading comprehension of adolescents, as

well as by an OECD comparative study from 2016. Furthermore, Chile's oligopolistic media structures distort the political options offered to citizens (e.g., policymaking regarding ethnic minorities and the associated conflicts).

Disinformation and manipulation campaigns hinder public policy discussions, especially as social networks have become a key factor with regard to agenda setting and public opinion. In addition to these deficits in in-depth news coverage, citizens in general show low interest in policymaking. Policy interest within the socioeconomic elite is also generally fairly limited, at least as long as public policies do not substantially affect their lifestyle in a nearly completely privatized environment. Those elements of the middle class that are interested in these debates tend to have access only to the low-quality information sources mentioned above, while members of the socioeconomically lower-class population often know only about the specific public-subsidy systems they use, and lack broader familiarity with public policies and public policymaking.

Citation:

Organisation for Economic Co-operation and Development (OECD), "Skills Matter – Further Results from the Survey of Adult Skills", 28 June 2016, <https://www.oecd.org/education/skills-matter-9789264258051-en.htm>, last accessed: 13 January 2022.

Universidad de Chile, "El 84% de los chilenos no entiende lo que lee", 14 December 2011, <http://radio.uchile.cl/2011/12/14/solo-el-84-de-los-chilenos-entiende-lo-que-lee>, last accessed: 13 January 2022.

Open
Government
Score: 7

In general terms, the level of digitalization with regard to public information (e.g., commission reports, draft laws, and information on line ministries and government activities) is quite high. Since the implementation of the transparency law of 2008 (Ley de Transparencia), data about the personnel structure and expenditure of public institutions is also publicly accessible. In addition, with the enactment of Law 21,180 on the Digital Transformation of the State (Ley de Transformación Digital del Estado) in 2019, many administrative processes and bureaucratic procedures have been successfully digitalized. Though some delays in publishing relevant information may occur, and – considering the relatively high educational gap – information and data is not always published in a comprehensive way.

Citation:

On the Digital Government-Initiative, <https://digital.gob.cl>, last accessed: 13 January 2022.

Legislative Actors' Resources

Parliamentary
Resources
Score: 6

The National Congress is furnished with a multidisciplinary staff of consultants in order to support deputies and senators in their representative, legislative and control functions as well as in the field of congressional

diplomacy. Nevertheless, this support tends to be asymmetric in comparison with ministerial analytical and investigatory capacities. The National Congress' oversight function is exerted by the Chamber of Deputies. However, in many cases, this task tends to be triggered in reaction to journalistic complaints or political conflicts rather than functioning as a proactive mechanism for monitoring the government's ongoing activity.

Obtaining Documents
Score: 8

Congressional committees and individual deputies can request documents, which must be delivered by the government within legally defined time limits. Those deadlines are generally met, but there are de facto limitations in the exercise of oversight, as the majority party or coalition can block the minority's request. Until recently, obtaining information from state-owned companies or the Ministry of Finance was difficult.

Summoning Ministers
Score: 9

In August 2005, a constitutional reform (Law No. 20,050) established the process of ministerial interpellation. Committees in the Chamber of Deputies and the Senate have the right to summon ministers for questioning about matters concerning their area. The ministers are obliged to attend. This political instrument has been used on various occasions. The effectiveness of this instrument of congressional oversight depends on the quality and quantity of information accessible to the National Congress through other channels.

Summoning Experts
Score: 9

Congressional committees may summon any civil servant to interview as a subject-area expert. Private experts can also be invited, but the National Congress lacks the financial funds to pay for the assistance of prominent private experts. However, there is a group of 50 to 60 specialists from a variety of subject areas affiliated with the Library of the National Congress, whose task it is to offer professional support to the members of Congress in their lawmaking, representative, diplomatic and oversight tasks.

Citation:

Library of the National Congress of Chile (Biblioteca del Congreso Nacional de Chile, BCN): <https://www.bcn.cl>, last accessed: 13 January 2022.

Task Area
Congruence
Score: 7

The Chilean legislature's oversight function is exerted primarily by the Chamber of Deputies and its (currently) 27 permanent committees (Comisiones Permanentes) and several ad hoc investigative committees (Comisiones Investigadoras). These permanent committees correlate in part with the 24 ministries. However, there are overlaps and intersections; some single committees, for example, are responsible for an area of responsibility that touches on various ministries' work, while a single ministry's area of responsibility may in some cases be distributed across multiple committees. It should be noted that Chile is not a parliamentary but a presidential system and thus ministers are not directly accountable to the Chilean National Congress. Therefore, the degree of control exercised by the congressional committees is institutionally rather weak.

Citation:

Quantity and name of the permanent parliamentary committees, https://www.camara.cl/legislacion/comisiones/comisiones_permanentes.aspx, last accessed: 13 January 2022.

Ministries and subordinary public institutions. <https://www.gob.cl/instituciones>, last accessed: 13 January 2022.

About interpellations of ministers:

Fundación 2020, “Qué es una interpelación y cuál es su objetivo”, November 2014, <http://www.educacion2020.cl/noticia/que-es-una-interpelacion-y-cual-es-su-objetivo>, last accessed: 13 January 2022.

Historical interpellations:

Chamber of Deputies of Chile (Cámara de Diputados), <https://www.camara.cl/fiscalizacion/interpelaciones/interpelaciones.aspx>, last accessed: 13 January 2022.

Media

Media Reporting
Score: 4

Legal norms are published in the Official Journal (Diario Oficial de la República de Chile), the state outlet dependent on the Ministry of the Interior and Public Security (Ministerio del Interior y Seguridad Pública). Its print version was terminated on 17 August 2016. Since then, the Official Journal has been available only in an online edition.

In general terms, Chile’s newspapers and the main public TV stations report tabloid news, and employ bold headlines and techniques with strong popular and infotainment appeal. Furthermore, statistics released by the National Television Council (Consejo Nacional de Televisión, CNTV) show that, on average, TV stations and radio stations tend to broadcast less than five hours per week of in-depth discussions on political events and information. More than 50% of the news presented through publicly accessible channels is dedicated to sports and crime. Surveys indicate that the Chilean audience would prefer less sports news and more focus on national and international politics. Due to the biased media landscape, there is a strong ideological framing of political information and policy discussion.

A few alternative and independent online news media organizations offer positive exceptions to this rule, tending to be of higher quality and offering in-depth investigative journalism.

Chile’s largest free TV station (Televisión Nacional de Chile, TVN) is state-owned and required by law to provide balanced and equal access to all political views and parties – a regulation which is overseen by the CNTV. Although La Nación and TVN are state-owned, they must operate according to market rules; they have to fund themselves by relying on advertising and high

audience ratings. In 2018, the Senate approved additional \$47 million in funding for TVN in order to save the channel from bankruptcy.

During the mass protests of October 2019, misinformation regarding the backgrounds of allegedly involved actors was published even by large newspapers such as *La Tercera*. Following the intervention of a public prosecutor, a number of print publications offered a joint public apology.

Citation:

Official Journal of the Chilean Republic (Diario Oficial de la República de Chile), <https://www.diariooficial.interior.gob.cl>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “Reporte del Instituto Reuters incluye a CIPER como uno de los medios digitales más leídos de Chile”, 23 June 2021, <https://www.ciperchile.cl/2021/06/23/reporte-del-instituto-reuters-incluye-a-ciper-como-uno-de-los-medios-digitales-mas-leidos-de-chile>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), “El ruidoso silencio de los medios tradicionales”, 23 March 2021, <https://www.ciperchile.cl/2021/03/23/el-ruidoso-silencio-de-los-medios-tradicionales>, last accessed: 13 January 2022.

Studies elaborated by the CNTV related to TV audience and content:

National Television Council (Consejo Nacional de Televisión), Estudios temáticos, <https://www.cntv.cl/estudios-y-estadisticas/estudios>, last accessed: 13 January 2022.

Parties and Interest Associations

Intra-party
Decision-Making
Score: 5

Chile has a presidential governmental system. As the president determines the government’s policy agenda, presidential elections are much more relevant than congressional elections in terms of policy direction. Therefore, in campaigns for the presidency, government programs are presented by the presidential candidates and not by their coalitions or parties. These global program proposals tend to be limited to descriptions of policies’ intended public effects rather than technical details or any detailed discussion of content. The primary elections for the 2013, 2017 and 2021 presidential elections demonstrated that candidate selection and issue agendas are largely controlled by the parties’ leaders. However, the left-wing Broad Front (Frente Amplio) coalition – formed in 2017 by several minor new parties, and to which new President Gabriel Boric belongs – can be seen as a positive exception to the centralized and top-down tendency within parties.

Association
Competence
(Employers &
Unions)
Score: 5

Policy proposals by economic-interest groups do address relevant topics and are not always short-sighted or untenable; however, they tend to be narrow and largely guided by the groups’ interests. Unions as a socioeconomic interest group are relatively weak, and their influence in formulating policies relevant to their interests is quite limited. Exceptions to this rule of thumb do occur.

Association
Competence
(Others)
Score: 7

A substantial number of autonomous, self-organized groups, associations and organizations exist in Chile. Civil society's organizational landscape has become increasingly differentiated since the return to democracy. Religious, environmental and social organizations, as well as NGOs, academic groups and professional associations often present substantive policy-reform proposals that contribute positively to policy discussions and government reforms and take long-term perspectives into account. Various political foundations and think tanks play a decisive role as formulators of relevant policies. On the other hand, there are great disparities in the durability and organizational strength of associations, mostly as a result of social inequalities. In addition, numerous think tanks are directly connected to economic-interest groups.

Independent Supervisory Bodies

Audit Office
Score: 8

Chile's General Comptroller (Contraloría General de la República, CGR) has far-reaching competences, and is invested with strong political and legal independence. The officeholder is nominated by the president and must be approved by a three-fifths majority vote in the Senate. The comptroller has oversight power over all government acts and activities, and investigates specific issues at the request of members of the Chamber of Deputies. The office presents an annual report simultaneously to the National Congress and the president. The National Congress has the right to challenge the constitutionality of the comptroller's work.

Citation:

Comptroller General of the Republic of Chile (Contraloría General de la República, CGR), <https://www.contraloria.cl>, last accessed: 13 January 2022.

Ombuds Office
Score: 3

The National Congress does not have a formal ombuds office. Efforts to establish such an office failed twice under previous governments. However, the National Congress and its members listen informally (but not systematically) to concerns expressed by citizens and public advocacy groups, inviting them to congressional hearings.

The first public ombudsperson's office on a special issue was installed in 2018. In compliance with the act establishing the Office for the Defense of Children's Rights (18 April 2018), the Senate of the Republic of Chile, at the proposal of the Senate's Human Rights Commission, unanimously appointed the first children's ombudsperson. However, neither the Office for the Defense of Children's Rights nor the National Institute for Human Rights (Instituto Nacional de Derechos Humanos), which advocates for people's rights before the state in cases when human rights have been violated, enjoy constitutional autonomy.

Data Protection
 Authority
 Score: 3

Citation:

La Tercera, “La defensoría del pueblo: Qué es y cómo funcionaría si llega a implementarse en una nueva Constitución “, 18 December 2020, <https://www.latercera.com/reconstitucion/noticia/la-defensoria-del-pueblo-la-entidad-que-podria-sumarse-por-primera-vez-a-la-constitucion/7THKXHPOBBEJXKBKXJVO2G454E>, last accessed: 13 January 2022.

Instituto Latinoamericano del Ombudsman – Defensor del Pueblo (ILO), “Chile: Senado de la República designa la primera defensora de la niñez”, May 2018, <http://www.ilo-defensordelpueblo.org/noticias-blog/236-chile-senado-de-la-republica-designa-la-primera-defensora-de-la-ni%C3%B1ez>, last accessed: 13 January 2022.

Chile still lacks an effective data protection framework, although Article 19 of the constitution guarantees the right to privacy. In August 2019, the Senate Committee on the Constitution, Legislation, Justice and Senate Regulations (Comisión de Constitución, Legislación, Justicia y Reglamento del Senado de Chile) gave the Chilean Transparency Council (Consejo para la Transparencia) responsibility for the issue of data protection. The Transparency Council is responsible for ensuring public sector compliance with data-privacy laws, but there is no regulatory authority in Chile that monitors private sector compliance. Thus, enforcement of the law is in this respect carried out by the courts, with affected individuals seeking to uphold their rights or win redress for violations on an individual basis.

In 2018, the Senate gave general approval to a draft law amending Law No 19,628 on the Protection of Private Life. The draft law’s purpose is to raise the level of protection afforded to personal data to the same level contained in the European General Data Protection Regulation (GDPR). The law would also create a Personal Data Protection Agency with the ability to monitor and sanction breaches of the law. Although the Senate has emphasized the urgency of this issue, the law has not been enacted to date.

Citation:

On the draft law and modification of Law No. 19,628:
 Deloitte, “Protección de datos personales en Chile, October 2020, <https://www2.deloitte.com/cl/es/pages/legal/articles/proteccion-datos-personales-chile.html>, last accessed: 13 January 2022.

Library of the National Congress of Chile (Biblioteca del Congreso Nacional de Chile, BCN), <https://www.bcn.cl/leychile/navegar?idNorma=141599>, last accessed: 13 January 2022.

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Klein, F., Zilla C. & M. Thunert (2022).
Chile Report. Sustainable Governance Indicators.
Bertelsmann Stiftung: Gütersloh.
<https://doi.org/10.11586/2022088>

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