

The Pinochet Legacy and the New Constitution

How International Human Rights Organisations Influence Chilean Politics

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Throughout my studies, the political history of Chile and the legacy of Pinochet have been a recurring topic of personal interest. After visiting Chile from November 2019 until February 2020, experiencing first-hand the protests and the divided Chilean society, the process of rewriting the Constitution grabbed my interest. Receiving updates from my Chilean friends and following the news, it felt as though it was finally possible for Chile to leave the dictatorial legacy in the past. Sadly, due to COVID-19, the referendums were postponed and only recently the process was finally initialised.

Because of this personal involvement and dedication to the topic, living up to my own expectations has been a challenge throughout the process of writing this thesis. In the end, I am very proud of the piece I have produced, but I could not have done it without the great guidance of my thesis supervisor Koen Stapelbroek. Even though an 8-hour time difference meant adjustments were necessary, I could not have wished for a better supervisor. I also want to acknowledge the amazing help the other members of the thesis circle have been throughout the process. You were great support when I needed it and really helped me get through to the end. Last, I want to thank my family and friends, who supported me unconditionally and kept believing in me even when I did not believe in myself. Listening to my endless monologues about a topic they did not know anything about and never giving up on me really helped. I really hope you are as proud of me as I am.

Summary

In October 2019, violent protests emerged in Chile, demanding solutions for the institutionalised social and economic inequality, a legacy of the military dictatorship of General Augusto Pinochet. Because of the human rights violations that occurred during the protests, several international human rights organisations (IHROs) went on missions to Chile and published reports including recommendations addressing the Chilean government. In December, President Sebastián Piñera signed a decree for a new Chilean constitution. The aim of this research is to find out how the legacy of the Pinochet dictatorship influenced the role of IHROs in the development of a new Chilean constitution.

This was done by the application of a directed content analysis to reports of the IHROs covering the years 2006, 2011, and 2019, and to news articles published by the Chilean government between October 19 and December 27, 2019. The Multiple Streams Framework, Historical Institutionalism, and Punctuated Equilibrium Theory were combined in a conceptual framework to identify the different actors, objects, and processes in the development of a new constitution. Furthermore, the limitations of the theories were assessed and, based on the data, confirmed or contradicted.

The results illustrate that inequality and rewriting the Constitution were central topics in the reports of the IHROs. The IHROs and the protestors put targeting the persisting inequality on the agenda of the Chilean government, leading to the constitutional change. However, the data show that even though the Chilean government invited the IHROs to assess the situation during the protests of 2019, they are not addressed in the news articles.

The thesis concludes that the Pinochet legacy influenced the reports and specifically the recommendations of the IHROs to the Chilean government. Especially the institutionalised inequality in the constitution of 1980 was a central topic addressed by the IHROs. The role of the IHROs in the development of a new Chilean constitution, however, was limited to putting the issue on the political agenda.

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Introduction

On Friday October 25, 2019, over one million Chileans took to the streets in Santiago, Chile's capital, in a peaceful march demanding political, economic, and social reforms (ABC News, 2019). These protests were the result of a 30 pesos (which equals €0,04) rise of the metro fares during peak hours earlier in October (Mander, 2019a). Continuing, mostly peaceful, protests resulted in the use of violence by the Chilean police and army, and the declaration of Chile being "at war" by President Sebastián Piñera (Mander, 2019b; UC Berkeley & UC Santa Cruz, 2020). Led by students, the protestors addressed the inequalities resulting from the Constitution which was established during the military dictatorship of General Augusto Pinochet. The main slogans of the 2019 protests were "no son 30 pesos, son 30 años" – it is not 30 pesos, it is 30 years – and "Chile despertó" – Chile awoke. Both slogans demonstrate the discontent of the Chilean society, not just about the rise of the metro fares but about the entire Chilean political system (Fraser, 2019).

The 2019 protests were not the first targeting structural inequality. In 2006 and 2011 Chilean students went to the streets to demand increased quality and equality of the education system (UC Berkeley & UC Santa Cruz, 2020). These protests showed clear leadership of a well-organised student movement, whereas the 2019 protests did not (Palacios-Valladares, 2020). However, where the 2006 and 2011 protests resulted in small changes, the 2019 protests were more successful. After a little less than a month, President Piñera had revoked the rise of the metro fares and declared a referendum was to be organised on whether a new constitution was to be written and, if yes, by whom (UC Berkeley & UC Santa Cruz, 2020).

The protests also had international implications, and the government suspected international involvement. President Piñera stated he was investigating foreign influence in the uprisings that occurred. He declared that there was much evidence proving that international forces were behind the protests (Mander, 2019c). Furthermore, during the protests, several international human rights organisations (IHROs) (i.e., Human Rights Watch, Amnesty International, the International Federation for Human Rights, and the United Nations Human Rights Office) went on missions to Chile to investigate human right violations by the government or other state actors. The reports published by these IHROs often include recommendations to the Chilean government to address the protection of human rights, as all three protests were characterised by violent acts of the Chilean police, many arrests,

protestors injured, and human rights violations (UC Berkeley & UC Santa Cruz, 2020).

In addition to this, in November and December 2019 both the COP25 and the APEC summits were supposed to be held in Chile. However, due to the continuing protests, President Piñera had to cancel those, not only negatively impacting the Chilean reputation, but also influencing international negotiations for trade-war truce (BBC News, 2019b; Mander, Politi & Hook, 2019). Moreover, the international press intensively covered the development of the protests. Several major news outlets (i.e., the Economist and the Financial Times) have published articles about the continuing inequality in Chile, which was highlighted as the main cause of the protests (Mander, 2019a).

This thesis aims to find out how and to what extent the Pinochet legacy influenced the role of IHROs in the development of a new Chilean constitution. As the current constitution was established during the Pinochet dictatorship, and the protestors refer to the 30 years following the dictatorship, the legacy of Pinochet plays an important role in Chilean politics. By analysing reports published by IHROs after the protests of 2006, 2011, and 2019, and news articles published by the Chilean government during the 2019 protests, this thesis aims to uncover how the Pinochet legacy influences the role of IHROs in Chilean politics. The research question of this thesis therefore is *How did the Pinochet legacy influence the role of international human rights organisations in the development of a new Chilean constitution?*

This research topic is socially relevant because it will discover how a historical phenomenon – the Pinochet legacy – not only nationally but also internationally affects politics and policies. Furthermore, it investigates how international organisations play a role in national policymaking and agenda-setting. The scientific relevance of the topic relates to the theories that are applied to the data in the analysis. Criticisms of these theories target their applicability outside the United States (US), and this thesis applies them to Chile, a Latin American country. The thesis either confirms or contradicts these criticisms, making it scientifically relevant.

The first part following the introduction is the literature review, which provides an overview of what is already known about the subject. Followed by this is the theoretical framework, in which the Multiple Streams Framework, Historical

Institutionalism, and Punctuated Equilibrium Theory are combined to create a framework for the analysis of the data. Next, the methodology of the qualitative analysis and the coding scheme for the content analysis are presented, followed by the results of the data collection. Then, these results are discussed and interpreted. In the last chapter, an answer to the research question is formulated, recommendations for further research are provided, and the trajectory of the research is reflected.

Literature review

The following part of the thesis lays out what is already known about the topic and identifies gaps in the known research. The literature analysed for this thesis mostly addresses the processes and consequences of the Chilean dictatorship. This means that the literature review is less focused on explaining theories, and more focused on contextualisation and gaining knowledge of the different important concepts of the dictatorial legacy. Therefore, the literature review is shaped in a conceptual order.

Authoritarian legacy

Historically, Chile is seen as a stable country with few dramatic events in its institutional past, whereas other countries in the region have histories of institutional and democratic instability. Therefore, as argued by van der Ree (2010), Chileans view their country as exceptionalist in Latin America. This history of institutional stability in Chile goes hand in hand with traditional respect for institutions and acceptance of authority and order. Furthermore, Chile knows a “virtual obsession with constitutionalism” (Ayres, 1973, p. 507), which entails that all policy innovations need to be in accordance with the law in order for them to be legitimate. Historically, as illustrated by Ayres (1973), this has slowed down the policymaking process and hindered development.

Contrasting this history of institutional stability, on September 11, 1973, the Chilean armed forces executed a violent military coup and overthrew the democratically elected Marxist president Salvador Allende. The succeeding military regime was characterised by grave human rights violations and thousands of people were tortured, murdered, exiled, or disappeared (Ensalaco, 2000; Lira, 2016; Matei & de Castro García, 2017). The dictatorship, the consequences of the human rights violations, and the way the transition government dealt with the human rights situation in Chile during the transition period, in combination with the legacy left by the dictatorship, has been a topic widely discussed by academics. In the following sections, the research done on three aspects – the Constitution, human rights, and neoliberalism – of the dictatorial legacy and their effects on the transition to democracy and the governability of Chilean politics are addressed, laying the basis for the central research objective of this thesis: how the dictatorial legacy influenced IHROs in the development of a new Chilean constitution.

The Constitution

In the constitution of 1980 several authoritarian enclaves limited the powers of the succeeding democratic governments. Especially presidential influence on the military and the possibility of the judiciary to fully operate were limited (Evans, 2006). After the constitutional plebiscite and the elections in 1989, the candidate from the leftist *Concertación de Partidos por la Democracia* (Coalition of Parties for Democracy – Concertación), Patricio Aylwin, was installed as the new Chilean president (Cummings, 2015; Ensalaco, 2000; Rotarou & Sakellariou, 2017). He came to power with a promising and progressive mandate to reinstall democracy, respect for human rights, and rule of law. However, as illustrated by Evans (2006), the legacy of the dictatorship limited the president in his executive power and resulted in difficulties for the reinstallation of democracy and the search for truth and justice for the human rights abuses. Furthermore, as discussed by Fuentes-Julio (2020), the imposed institutional framework as a condition for the armed forces' toleration of the transition highly constrained the Chilean transition to democracy. Research has shown that this was deliberately done by Pinochet. For example, Fischer (2015) argues that it was crucial for the institutionalisation of authoritarianism in Chile.

In line with this were the constraints in relation to the Constitution; the 'authoritarian enclaves', which included that the head of the armed forces and the chief of police would have fixed four-year terms and could not be removed by the president without approval of the (very rightist and Pinochet-supportive) National Security Council. Thus, the authoritarian enclaves restricted the president's power over the Chilean intelligence services. Furthermore, electoral laws in the Constitution were shaped in such a way that the new democratic government would never gain enough electoral votes to pass (constitutional) reforms (Evans, 2006). The Aylwin government decided that the success of the transition to democracy had to be prioritised over the pursuit of justice for human rights violators and thus left many of the authoritarian enclaves in place (Evans, 2006). Several constitutional reforms were proposed in the years following democratisation, and it was predicted that eventually the constitutional legacy of Pinochet would be left in the past in favour of constitutional change. After a decade of democratic rule, however, the authoritarian enclaves were still not sufficiently removed, raising the question whether democracy could be fully consolidated (Evans, 2006).

As mentioned before, Ayres (1973) argues that constitutionalism is an important factor in Chilean politics. His writings are from July 1973, which is before the military coup happened. However, the historic dedication of Chileans to the legality of policies and to the constitution can be used to illustrate why it was so difficult to change the authoritarian constitution of 1980 and why today it is still in place. Thus, this research illustrates that the Pinochet constitution severely hindered the democratic governments in the process of rebuilding democracy, improving the political arena in Chile, and leaving the dictatorial legacy in the past.

Human Rights

Another important part of the legacy of the Pinochet dictatorship is the aftermath of the grave human rights violations that occurred. In the book of Ensalaco (2000) and the article by Matei and de Castro García (2017) it is highlighted that the most important actor in the human rights violations was the Chilean secret police. First this was the *Dirección de Inteligencia Nacional*, which, after domestic and international pressures, was replaced by the *Central Nacional de Información*. Furthermore, the *Carabineros de Chile* (the Chilean police force - Carabineros) were used extensively by Pinochet, making them the most visible symbol of the dictatorial repression (Ensalaco, 2000). Removing the stigma associated with the non-democratic past and abusive practices therefore was the main challenge that the Chilean intelligence services faced after the return to democracy (Matei & de Castro García, 2017).

Not only the Constitution limited the democratic government in its abilities to re-democratise Chilean society, also the Amnesty Law – specifically targeting the grave violations that occurred in the period 1973-1976 – seriously constrained the government in its ability to prosecute violators (Evans, 2006). Therefore, instead of prosecuting violators, the Aylwin government pursued a policy of truth-telling and finding out what happened to all victims. Furthermore, in the constitution of 1980 it was stated that Pinochet continued to be the head of the army until 1998, after which he would become Senator for Life, meaning he could not be prosecuted for human rights violations that occurred during the dictatorship (Pion-Berlin, 2004). Democratisation in Chile was thus characterised by the aim of the government to have a peaceful transition and generating conditions for governability, rather than targeting the human rights abuses and the limitations that were included in the Constitution (Fuentes-Julio, 2020).

After the military coup of September 11, 1973, several domestic human rights organisations were set up, most of which were backed up by religious institutions (Lira, 2016). The lack of initiative by the Aylwin government to actively prosecute human rights violators resulted in activism by civil society groups, demanding justice for the human rights violations (Evans, 2006). Fuentes-Julio (2020) adds that victims of human rights abuses – who actively struggled against the Pinochet regime and mobilised to ensure a return to democracy – felt unheard by the approach to the re-democratisation process of the government. Activism has thus played an important role during the dictatorship and in the period after the return to democracy in 1989 and continues to be a strong instrument of Chilean civil society in its search for truth and justice.

Eventually, a change in the attitude of the Government towards the human rights violations occurred, influenced by the international community. In 1998, Pinochet was arrested in London on the basis of a Spanish warrant accusing him of grave human rights violations used to exterminate political opposition (Evans, 2006). Several authors investigated the grounds and the consequences of this arrest for Chile and for the international human rights regime. As Evans (2006) illustrates, even though Pinochet had protected himself through the Amnesty Law, his arrest showed that sovereign immunity was not applicable in crimes that violated international (human rights) law. Furthermore, she argues that with the international involvement in Pinochet's arrest and the condemnation of the human rights violations a window was opened for the Chilean government to pursue justice.

The arrest of Pinochet in London led to a change towards a more proactive stance towards human rights violations by the Chilean government. Furthermore, it shows that human rights had become an important issue internationally, where sovereignty is not necessarily preserved when grave violations occur. Thus, Pinochet's arrest and international involvement and condemnation of the human rights violations that occurred during the dictatorship were catalysts for improving and increasing the prosecution of human rights violators in Chile. As stated by Evans (2006) "international norms and actors have come to play an increasingly active role in domestic processes of democracy and human rights" (p. 243). Furthermore, it was a next step in the international protection of human rights; "states have gradually come to recognise their obligation to prosecute and punish human rights violations thanks to the increasing readiness of international actors to intervene" (Evans, 2006, p. 244).

However, even though the international norms and actors have proven to be increasingly important, also in the Chilean context, the domestic situation cannot be neglected when addressing the influence of the international realm on (human rights) politics.

Neoliberalism

The last part of the dictatorial legacy this thesis deals with is the neoliberal character of the Chilean economy and constitution. Whereas in many other Latin American countries neoliberalism led to instability and poor growth, in Chile this was not the case. Many authors have researched the impact of neoliberalism on the Chilean economy and the country has been used as an example of a neoliberal success-story. Because of the successful implementation of neoliberalism in Chile, international institutions such as the International Monetary Fund (IMF) and the World Bank (WB), used the country as an example to promote free-market policies throughout Latin America (van der Ree, 2010). However, because of the authoritarian legacy and the history of human rights abuses, Chile has not enjoyed a 'model' status comparable with the Asian 'tiger' economies (Fischer, 2015).

Currently, Chile is a high-income country, and it was the first South American country to join the Organisation of Economic Cooperation and Development (OECD) in 2010 (Rotarou & Sakellariou, 2017). Objectively, Chile can be seen as a success-story where economic and political conditions improved after the country's democratisation in 1990 (Cummings, 2015). However, the implementation of neoliberal policies during the military dictatorship led to increased poverty, unemployment, and unequal economic distribution (Rotarou & Sakellariou, 2017). One of the main characteristics of the neoliberal ideology is the privatisation of state enterprises. In Chile, this included the privatisation of the social security and education systems; the entire pension and healthcare systems were transferred to private enterprises and private schools became the norm in Chilean education (Fischer, 2015; Rotarou & Sakellariou, 2017).

In the Constitution, the neoliberal economic strategy was institutionalised and thus, after the return to democracy, Chile continued to implement neoliberal policies. With slightly increased social spending, aiming to reduce poverty and inequality, the democratic governments managed to reduce (extreme) poverty from 29,1% in 2006 to 11,7% in 2015 (Rotarou & Sakellariou, 2017). Because of the neoliberal character of

the Chilean economy, however, even after the return to democracy the country's socio-economic inequality continued to rise (van der Ree, 2010). Despite the efforts of the democratic governments, Chile's Gini coefficient remained behind, and Chile is still one of the most unequal countries when looking at income inequality, with a Gini coefficient of 0,44 in 2017 (WorldBank, n.d.). In Chile, the richest 1% of the population owns almost 31% of the country's total GDP, and the richest 10% owns around 70% of the total GDP (Rotarou & Sakellariou, 2017; Williams, 2015). Thus, even though Chile is seen as an 'economic miracle' and is characterised as a high-income country, the country still faces large inequality problems related to the neoliberal character of the economy, a legacy of Pinochet.

Thus, the Constitution, human rights, and neoliberalism have been identified as key factors of the dictatorial legacy influencing Chilean development and the democratisation process. Therefore, they constitute the first part of the literature review and form the basis of the analysis.

International human rights organisations

The following section assesses how Chile is involved in the international human rights regime in order to find out how IHROs can play a role in domestic politics.

Collins (2006) identifies two approaches which can be used to assess international human rights cases. The first, she states, is the 'displacement' approach, which entails that domestic judicial options are limited, and local actors thus need to reach out to international actors to achieve their objectives. The second approach is the 'network' approach, which suggests that complex 'transnational advocacy networks' exist, which consist of domestic, external, and international human rights activists and organisations that pursue human rights justice, who work together to tackle international human rights issues (p. 714). She uses the Chilean case to illustrate that both approaches do not fully explain the trajectory of international human rights cases. The Pinochet arrest in London and the Spanish arrest warrant show that the displacement approach does not fit with the Chilean case, as these are international factors that drive the search for justice rather than a domestic cry for help. The international coordination and collaboration, however, are not sufficiently developed for the network approach to fully explain international human rights activities either (Collins, 2006).

Chilean traditional respect for institutions does not only apply domestically; within the Latin American context, Chile is known for being a promoter of international cooperation and it has participated prominently in international (human rights) organisations (van der Ree, 2010). After the coup in 1973, Chile broke with the emerging international human rights system and its participation in international (intergovernmental) institutions drastically reduced (Fuentes-Julio, 2020). This shows that Pinochet was less concerned with international legitimacy regarding human rights. There was a strong international response to the human rights abuses of the dictatorship, coming from a diverse group of activists. For example, the United Nations (UN) condemned the Chilean authoritarian government several times and established an ad hoc working group to investigate the human rights situation. Furthermore, the Inter-American Commission of Human Rights, an organ of the Organisation of American States (OAS), conducted on-site investigations, monitored human rights, and reported about violations (Fuentes-Julio, 2020). Both in the UN Human Rights Commission and in the OAS the Chilean situation regarding human rights dominated the discourse of the period. International nongovernmental organisations (INGOs) were also involved in denouncing the human rights situation in Chile; Amnesty International was one of the first INGO to actively study and to conduct on-site research of the human rights abuses in Chile (Fuentes-Julio, 2020).

After the dictatorship, Chile needed to recover its human rights position in the international sphere. It did this by portraying an international image that was in tune with the democratic values and human rights principles which formed the basis of the international cooperation at that time. Human rights promotion thus became an important part of Chile's international strategy (Fuentes-Julio, 2020). With the restoration of democracy, Chile returned as an important contributor to the international human rights regime. Human Rights Watch, an important INGO addressing human rights, characterised Chile as a state that very actively promotes and supports human rights initiatives internationally. Furthermore, at the time of the transition, states – especially European Union members – also pushed Chilean diplomats to be active human rights promoters (Fuentes-Julio, 2020).

Quickly after the return to democracy, the newly installed government ratified all major international and regional human rights treaties, such as signing the American Convention and accepting the jurisdiction of the Inter-American Court of Human Rights. Furthermore, it reactivated its participation in international human rights

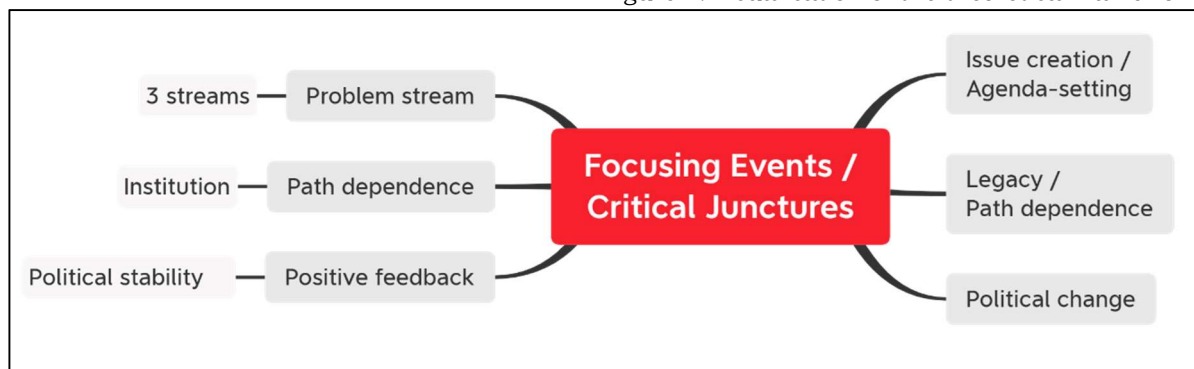
institutions, such as the UN Human Rights Commission, which was replaced by the Human Rights Council (HRC) in 2005 (Fuentes-Julio, 2020). Within the international institutions Chile has consistent voting behaviour in issues that address human rights, and it has worked actively to improve the functioning of intergovernmental and international human rights institutions (Fuentes-Julio, 2020). Especially the Chilean activity and participation within the HRC and its specific emphasis on strengthening and ensuring the HRC's mandate to respond promptly to human rights emergencies, strengthening its independence, and promoting NGO participation are significant for this research (Fuentes-Julio, 2020). It is important to note, however, that the return to democracy and the increased activity of Chile regarding international human rights coincided with the emergence of a new international order: "Democratic values and the promotion of human rights were among the leading principles of the international and regional institutions in the beginning of the 1990s" (Fuentes-Julio, 2020, p. 263).

This research thus shows that historically Chile has been an active human rights promoter, and that the Chilean government generally regards human rights as an important factor to be addressed in the international sphere.

Theoretical Framework

This part of the thesis aims at explaining the theoretical foundation of the analysis. In the following paragraphs, the *Multiple Streams Framework (MSF)*, *Historical Institutionalism (HI)*, and *Punctuated Equilibrium Theory (PET)* are addressed respectively. Because of the nature and scope of the research, not one theory fits perfectly. In figure 1 the visualisation of the theoretical framework is presented. It is ordered the same as the rest of the theoretical framework: the top row is MSF, the second HI, and the last PET. As introduced in the introduction and in the literature review, the research question consists of different components: the Pinochet legacy, international organisations, and the new constitution. Therefore, within the theoretical framework aspects from all three theories are connected to the different components of the analysis to create a framework with which the research question can be answered.

Figure 1: visualisation of the theoretical framework.



Multiple Streams Framework

Designed by John Kingdon in 1984, the MSF addresses shifts in attention of policymakers and changes in public policy agenda-setting (Béland & Howlett, 2016). Originally, it centred around how issues are created and how they rise to the policy agenda. Later, it was adapted to understand decision-making processes in complex environments (Rawat & Morris, 2015; Zohlnhöfer, Herweg & Huß, 2015). It is based on two factors that influence political agenda-setting: participants and processes. The participants can both be visible within the government, such as the president, or less visible, such as the president's staff and other bureaucrats (Rawat & Morris, 2015). The processes consist of three metaphorical "streams" which, according to Kingdon, operate independently until a "window of opportunity" or "policy window" opens for policymakers to influence agenda-setting. These can be triggered by unrelated external "focusing events", which can be crises or accidents, or the presence or

absence of “policy entrepreneurs” within or outside of the government. These policy windows then create the opportunity for policymakers to put the problem on the official or institutional agenda (Béland & Howlett, 2016; Cairney & Jones, 2016; Winkel & Leipold, 2016). The following paragraph defines the streams, after which the actors and the limitations of the theory are explained.

The first stream is the problem stream, which consists of all problems that are perceived as “public” and need to be addressed by the government. Often, these problems reach the attention of policymakers through crises or through policy feedback. In the second stream, the policy stream, the myriad solutions to the policy problems are examined by experts and analysts – or “policy entrepreneurs” – who seek the feasible and favourable solution. The third and last stream is the politics stream. In this stream external factors such as the “national mood” and electoral changes that influence policymaking are comprised (Béland & Howlett, 2016; Cairney & Jones, 2016; Knaggård, 2015; Rawat & Morris, 2015; Winkel & Leipold, 2016). The process of combining the streams and finding the window of opportunity to put the issue on the agenda is often characterised as a slow process (Cairney & Jones, 2016).

Different actors play an important role in the MSF. The policy entrepreneurs who are part of the policy stream are often argued to be the most important actors for agenda-setting. By solely focusing on policy entrepreneurs, however, the policy and politics stream are often analysed thoroughly and regarded as the most important, whereas actors in the problem stream are often neglected (Knaggård, 2015). Therefore, Knaggård (2015) argues that more attention should be paid to actors in the problem stream and how they contribute to the success of putting issues on the agenda. She names these actors “problem brokers”, which she defines as “a role in which actors frame conditions as public problems and work to make policy makers accept these frames” (Knaggård, 2015, p. 451). The way problem brokers bring issues to the agenda of policymakers is through “framing”, which, as defined by Entman (2004) in Knaggård (2015), is “selecting and highlighting some facets of events or issues, and making connections among them so as to promote a particular interpretation, evaluation and/or solution” (p. 454). In the literature concerning MSF, issue framing is a recurring theme, and it is therefore an important factor of the success of policy entrepreneurs and problem brokers (Rawat & Morris, 2015). The major difference between problem brokers and policy entrepreneurs is thus that “the former makes

suggestions that something needs to be done, whereas the latter makes suggestions for the particular policy” (Knaggård, 2015, p. 453).

When applying the MSF, it is important to consider its limitations. These occur mostly when the MSF is applied outside of the US (Cairney & Jones, 2016; Rawat & Morris, 2015). In this theoretical framework, only the limitations relevant for the analysis are discussed, specifically the limitations that address the applicability of the MSF in a different political and institutional context. Firstly, because the framework was designed to fit the US institutional context, it is argued that the MSF is limited in addressing agenda-setting and policymaking in other institutional frameworks. Therefore, as argued by Zohlnhöfer et al. (2015), when applying the MSF outside the US, institutional differences need to be taken into account. Furthermore, the lack of institutional factors in the MSF can become an issue when the framework is extended to for example the decision-making stage (Spohr, 2016; Zohlnhöfer et al., 2015). Secondly, as the theory has been developed in a Western context, it has been questioned whether it is applicable to political settings in less-industrialised developing countries (Sanjurjo, 2020). Thus, when using the MSF in a case-study analysis, it is important to take the local context into account and to adjust the politics stream to fit the case (Rawat & Morris, 2015; Zohlnhöfer et al., 2015).

These limitations of the MSF are specifically important for this thesis because they address its applicability in developing countries. The MSF has been applied in many different contexts, specifically to Europe, the US, Australia and New Zealand, and Asia (Rawat and Morris, 2015). This thesis, however, applies the MSF to a Latin American context, which has almost never been done (Sanjurjo, 2020). As argued by Sanjurjo (2020), applying the MSF to Latin American is difficult because “political values [...] of Latin America have historically been more elitist, hierarchical, corporatist, and patrimonial” (p. 206). Furthermore, most policy literature addressing Latin America has been focused on institutional approaches or on the dominance of international actors and interest groups (Sanjurjo, 2020). Thus, when applying the MSF to a Latin American context, Sanjurjo (2020) argues, it is important to thoroughly contextualise the political setting and the role of external influences on domestic governments, including important factors – i.e., social inequality –that shape policymaking in Latin American countries.

The MSF is often combined with other theories because it is limited to addressing the agenda-setting stage of the policy-change process. Examples of theories with which the MSF is combined are Punctuated Equilibrium Theory, Bounded Rationality Theory, and Historical Institutionalism (Cairney & Jones, 2016; Rawat & Morris, 2016; Winkel & Leipold, 2016). By combining theories, authors often create a new conceptual framework (Rawat & Morris, 2015). A concept that is often used when combining the MSF with another theory is path-dependency (Béland & Howlett, 2016; Rawat & Morris, 2015). Spohr (2016) argues that the MSF on its own is not sufficient to explain political stability or path dependency, which according to him implies that “certain courses of political development, once initiated, are hard to reverse” (p. 257). As argued by Rawat and Morris (2015), “almost all authors [...] discuss the influence of institutions, structures, and path dependency in defining the role and strategies of policy entrepreneurs” (p. 622). However, as mentioned before, the MSF does not include the power and influence of institutions. Therefore, when addressing path dependency, the framework needs to be supplemented by other theories. This thesis therefore includes Historical Institutionalism and Punctuated Equilibrium Theory, which are discussed in the following sections.

Historical Institutionalism

Where the MSF is focused on how agenda-setting for public policy is organised, institutionalism is focused on the influence of institutions on political development (Fioretos, Falleti & Sheingate, 2016). According to Thelen (1999), “institutions [...] are collective outcomes, [...] [they are] socially constructed in the sense that they embody shared cultural understandings [...] of the way the world works” (p. 386). Institutions and institutionalism increasingly play an important role in political science. Within institutionalism, there are several traditions that can be used to assess the role of institutions in the political sphere. One of these is HI, which is centred around the role of specific and important moments in shaping later developments, how institutional legacies influence the ability to harness power resources, and the way in which incremental adaptation shapes institutions over a period of time (Fioretos, 2011). In short, it is thus focused on institutional change which can be an endogenous, incremental process, or can be triggered by exogenous shocks (Capoccia, 2016). The emphasis of HI is put on specific contextual conditions and on when and how historical processes influence political outcomes (Fioretos, 2011; Fioretos, et al., 2016; Thelen 1999). Within HI institutions are seen as “enduring legacies of political struggles” (Thelen, 1999, p. 388). Fioretos et al., (2016) define HI

as “a research tradition that examines how temporal processes and events influence the origin and transformation of institutions that govern political and economic relations” (p. 3). Furthermore, they state that the majority of HI work is focused on formal institutions, which are written and enforceable rules, such as political constitutions and regulatory frameworks.

What distinguishes HI from other traditions within institutionalism is the notion of temporality; how timing and sequence of events shape political processes (Fioretos, 2011; Fioretos et al., 2016). Four characteristics of HI which are caused by temporality are unpredictability, inflexibility, non-ergodicity, and inefficiency (Fioretos, 2011, p. 371). This is important because according to HI processes are diverse and dynamic and are always influenced by what happened in the past (Fioretos, 2011). Furthermore, in HI political processes are not assessed in isolation, but rather the interaction between and the order of political processes, resulting in institutional outcomes, is assessed (Thelen, 1999). This is directly related to the assumption that the sequence of political events directly influences later developments: the order in which events happen can influence the interest of political actors and policymakers, and their ability to shape outcomes (Fioretos, 2011). Furthermore, historical institutionalists emphasise how institutions created in the past structure politics in the present, often in ways that are opposite to the interests or preferences of individuals (Fioretos et al., 2016). Within HI action of individuals is seen as a result of weighing the costs and benefits of adapting to a new situation to the costs and benefits of maintaining or losing investments in past arrangements. Thus, change only occurs when the prospective benefits of change outweigh the losses associated with maintaining the status quo (Fioretos, 2011). As mentioned before, triggers of change can be external influences, such as crises. Therefore, within HI events always need to be contextualised and put in relation to what happened in the past (Fioretos, 2011). Attention to sequence of events can specify when the necessary and/or sufficient conditions that cause a particular outcome are present (Fioretos, 2011).

Throughout the literature, path dependence is highlighted as one of the main causal mechanisms for HI. Fioretos et al. (2016) relate path dependency and critical junctures to the concept of temporality, which is central to HI. Generally, path dependence implies institutional stability (Capoccia, 2016; Capoccia & Kelemen, 2007). Fioretos (2011) defines it as “a process in which the structure that prevails

after a specific moment in time (often a critical juncture) shapes the subsequent trajectory in ways that make alternative institutional designs substantially less likely to triumph, including those that would be more efficient” (p. 376). He thus links it to the characteristic of historical inefficiency. Another definition, coined by Fioretos et al. (2016), is “a situation in which reversing a trend (or path) becomes more difficult over time” (p. 11). Furthermore, path dependency entails that in politics an element of chance – or agency or choice – is involved, but once a path is taken, there is a great chance it becomes “locked in”, meaning that all relevant actors follow this path by adjusting their strategies (Thelen, 1999).

To break path dependency, it is argued that a “critical juncture” is needed. These can occur due to a change in conditions, timing, sequence of events, or interaction between specific economic-political processes (Thelen, 1999). As defined by Collier and Collier (1991) in Fioretos et al. (2016) and in Capoccia and Kelemen (2007), a critical juncture is “a period of significant change, which typically occurs in distinct ways in different countries [...] and which is hypothesized to produce distinct legacies” (p. 10; p. 347). Capoccia and Kelemen (2007) state critical junctures are “characterized by a situation in which the structural [...] influences on political action are significantly relaxed for a relatively short period” (p. 343). This, according to them, has two consequences: first, “the range of plausible choices open to powerful political actors expands substantially”, and second, “the consequences of their decisions for the outcome of interest are potentially much more momentous” (p. 343). For critical junctures duration, timing, and relation to other events are the three most important factors to determine its success.

Critical junctures are significantly shorter than the path-dependent processes that comes after (Capoccia & Kelemen, 2007; Fioretos et al., 2016). It is important to note, however, that what is a critical juncture for one institution, is not necessarily a critical juncture for another (Capoccia & Kelemen, 2007). It can be difficult to determine which of multiple potential historic events was the critical juncture that led to the studied outcome; where in the sequence of events is an event located and does that mean it is the critical juncture? Therefore, within the study of critical junctures and path dependency, the importance of sequencing and timing is once again emphasised (Fioretos et al., 2016; Thelen, 1999). Furthermore, identifying a critical juncture can only be done after it already happened (Capoccia, 2016). The longer the critical juncture is “open”, the higher the probability that political decisions

will be locked-in and a path-dependent legacy will follow (Capoccia & Kelemen, 2007). Thus, path dependency and critical junctures shape the evolution of institutional design, implying legacy effects are a key result (Fioretos, 2011). Thus, as argued by Capoccia and Kelemen (2007), critical junctures are the starting point for many path-dependent institutional processes. However, institutional change is not always directly related to a critical juncture. It can also be a result of incremental processes leading to change. Therefore, in HI it is important to present a clear definition of a critical juncture and to adhere to that definition (Capoccia & Kelemen, 2007).

Fioretos (2011) mentions four causes as to why developments along a particular path are reinforced. For this thesis, the first is the most important: “institutions may lock in balances of power or policy paradigms for lengthy periods of time and thus give those in privileged positions [...] a stake in protecting extant designs” (p. 377). When these causes are in place, major policy or institutional change becomes less likely. When using path dependency and critical junctures, HI is characterised as an explanation of change that rests on “history as a process characterised by punctuated equilibria, followed by long periods of institutional stability” (Fioretos et al., 2016, p. 12). This typology, however, overlooks the general idea of HI that change is a slow, gradual, and endogenous rather than a rapid process (Capoccia, 2016; Fioretos et al., 2016). Another way to study path dependency is through positive feedback. However, as argued by Thelen (1999), the literature on the role of feedback in HI explains continuity better than it explains change. As this thesis is focused on institutional change, it does not dive into the literature of feedback in HI. Thus, HI is characterised by a process-oriented analysis where the understanding of the causal impact of history and institutions on politics plays a central role (Fioretos et al., 2016; Thelen, 1999).

Punctuated Equilibrium Theory

The last theory that is addressed in this theoretical framework is PET, which was designed by Baumgartner and Jones in 1993. It was originally aimed at studying the dynamics of policy processes, specifically interested in policy stability and change (Kuhlmann & van der Heijden, 2018; True et al., 2007). Central to PET is the core assumption that political processes are characterised by general stability and incrementalism, while sometimes facing disruptive policy change and large-scale departures from the status quo (Hegelich, Fraune & Knollmann, 2015; Kuhlmann & van der Heijden, 2018; McNew-Birren, 2015; Rychert & Wilkins, 2018; True, Jones

& Baumgartner, 2007). Or, as Capoccia & Kelemen (2007) state, the PET model “suggests a model in which short bursts of change were followed by long periods of equilibrium” (p. 345). It focuses on the interaction between political institutions, interest mobilisations, and bounded rational decision-making – which entails that decision-makers are limited in their possibilities to address issues and that not all issues can be dealt with at once (McNew-Birren, 2015; Rychert & Wilkins, 2018; True et al., 2007). In PET, bounded rationality is related to the build-up of the attention span of a human being, and the connection between the serial processing of information and attention shifts between issues. This idea of bounded rationality is not only applicable to people, but also to organisations, including governments, which produce public policies based on the information they receive from the public and other directions (Rychert & Wilkins, 2018; True et al., 2007). Within PET the mechanisms of positive and negative feedback play an important role. Negative feedback is generally associated with stability or minor change, whereas positive feedback is associated with major policy change, or punctuations (Kuhlmann & van der Heijden, 2018; McNew-Birren, 2015). Central to the theory are ‘focusing events’, which can be sudden events or ruptures, or a dramatic shift in attention from one issue to another, which cannot be ignored (McNew-Birren, 2015; Rychert & Wilkins, 2018). The notion of a punctuated equilibrium thus entails that the policy process generally undergoes periods of near stasis next to making leaps as issues rise on and disappear from the public agenda; there is “institutionally reinforced stability interrupted by bursts of change” (True et al., 2007, p. 157).

The policymaking process is not linear and is influenced by information processing and institutions (Hegelich et al., 2015). PET places the policy process on a dual foundation of political institutions and bounded rationality in relation to decision-making, which emphasises two elements of the policy process: issue definition and agenda-setting (True et al., 2007). Within PET several core concepts are related to policy change. The first is the concept of a policy image, which is the way a policy is understood and discussed. This is subjective and can be a mixture of both empirical information and emotive appeal (Hegelich et al., 2015; Kuhlmann & van der Heijden, 2018; True et al., 2007). When a single policy image is widely accepted, this is also called a successful policy monopoly. If this is not the case, supporters and opponents of a policy use different policy images to support their standpoint. When a policy monopoly is attacked, this means that an agreed upon image becomes contested, which results in the policy moving up to the macro-political agenda which increases

the likelihood of mobilisation and change (McNew-Birren, 2015; True et al., 2007). Furthermore, policy images are important for issue definition and redefinition, and for individual and collective decision-making in democracies (True et al., 2007).

The second concept is institutional venues, which entail “the institutions or groups in society that have the authority to make decisions” (Kuhlmann & van der Heijden, 2018, p. 329), or within which can be decided on policies (True et al., 2007). As argued by True et al. (2007), when the institutional design suggests that multiple venues exist, it is expected that the dynamics of PET would emerge. Both policy image and institutional venues are used by policymakers to manipulate the dominant understanding of the issues at hand and to influence the institutions that are involved (Rychert & Wilkins, 2018). At a certain stage, policies need to move beyond the expert-dominated, single-issue “policy subsystem” onto the “macro-political agenda” (McNew-Birren, 2015; True et al., 2007). When policies move higher up the political agenda this is because new participants have become involved and interested in the issue (True et al., 2007). According to True et al. (2007) “subsystem politics is the politics of equilibrium – the politics of the policy monopoly, incrementalism, a widely accepted supportive image, and negative feedback” (p. 162). When political mobilisation and positive feedback occurs, an issue moves out of the policy subsystem into the macro-political system, a venue change, facilitating policy change (McNew-Birren, 2015; True et al., 2007). Thus, where subsystem politics entails politics of equilibrium, “macropolitics is the politics of punctuation – the politics of large-scale change, competing policy images, political manipulation, and positive feedback” (True et al., 2007, p. 162). As argued by True et al. (2007), large-scale punctuations are a result of either a change in preferences or in attentiveness. Thus, when an issue moves onto the macro-political agenda, large-scale change becomes possible, which will create new institutional structures and establish a new equilibrium (McNew-Birren, 2015).

Third is the notion of attention allocation. This means that policymakers have limited resources they can spend on the issue. They can focus on one or a few issues at the same time, therefore, attention is scarce and thus attention allocation becomes crucial for policy change (Hegelich et al., 2015; Kuhlmann & van der Heijden, 2018; True et al., 2007). Furthermore, it is a central concept in the process of problem recognition and the succeeding policy action, and it is directly connected to the concept of bounded rationality (True et al., 2007). The last concept is forces of

resistance, which means the “institutional structure of political systems [...] may seriously hamper policy change” (Kuhlmann & van der Heijden, 2018, p. 329). As stated by Hegelich et al. (2015), “information processing is filtered by institutions” (p. 230), which means that the very institutions that are addressed are the ones blocking change. These four concepts are all directly connected to the processes of issue-definition and agenda-setting. Thus, the conditions of policy change, as stated by Rychert and Wilkins (2018), are “a new definition of an issue (i.e. ‘reframing’), involvement of new policy actors and increase saliency or public attention to a problem” (p. 2133).

As mentioned before, positive and negative feedback are central to PET. When issues are still part of the policy subsystems stasis in the political realm occurs, whereas disequilibrium occurs when issues are moved to the macro-political agenda (McNew-Birren, 2015; Rychert & Wilkins, 2018; True et al., 2007). A positive feedback process occurs when an issue reaches this macro-political agenda and small changes in the circumstances lead to large changes in the policy. Thus, as stated by True et al. (2007), “positive feedback occurs when a change, sometimes a fairly modest one, causes future changes to be amplified” (p. 160). Positive feedback thus increases the pressure to reform (Rychert & Wilkins, 2018). It can either be a build-up of pressure over a longer period of time, or a sudden change that cannot be ignored (True et al., 2007). Negative feedback, on the other hand, maintains stability in the system and thus maintains the status quo (Rychert & Wilkins, 2018; True et al., 2007). It often causes incremental changes in the existing institutional framework to maintain stability in the policy subsystem (McNew-Birren, 2015). An important actor in the process of positive and negative feedback, as argued by Hegelich et al. (2015), is the president, because this person has the most power to influence the largest group of people in his or her desired direction.

Criticisms of PET are mostly focused on its applicability outside the United States because of its focus on federalist structures and its limited attention to political parties (Kuhlmann & van der Heijden, 2018). Other critiques entail its lack of “focus on the role of power and influence in the policy process, [...] its mechanistic understanding of policy change, [...] and that there might be systematic differences in policy subsystems when it comes to policy change” (Kuhlmann & van der Heijden, 2018). Furthermore, in the article by Hegelich et al. (2015) is stated that criticism on PET addresses its lack in hypotheses and assumptions about the interaction of the

different policy variables, and that it therefore cannot be a theory or model of policy dynamics.

Operationalisation

As stated in the article of Kuhlmann and van der Heijden (2018) it is a common trend in studies of policy processes to use multiple theories to explain policy change, as the goal is often not to test a theory but to explain empirical phenomena. They state that using multiple theories is not a problem, “as long as (potentially different) ontological assumptions are reflected in an adequate way” (p. 339). Furthermore, as mentioned before, the chosen theories themselves require to be combined. Moreover, the different aspects of the research question of this thesis and the inability of one theory to fully answer the question justifies why the thesis combines different theories. Therefore, this operationalisation lays out how the three theories discussed above combine to create a framework that fits with the analysis.

There are four main themes surrounding all three theories that come forward from the discussed literature: the *actors* or *objects* central to the theory, the *process* toward the window of opportunity, the *goal* or *objective* of the theory, and its *limitations*. In order to create a framework in which all three theories are combined, it is important to disclose what the similarities and differences are, and how these are put to use in the analysis.

First, the actors or objects central to the theory. In MSF they are the ‘participants’, which are the policy entrepreneurs, problem brokers, and the person central to the agenda-setting process, which is often the president. Within HI institutions play the central role, and for PET both the president and the mechanisms of positive feedback (which can be endogenous and exogenous) are central. Within the research of this thesis, there are different actors that might affect the outcome. Therefore, when studying the empirical data, the different actors, how they act in relation to each other, and how they complement each other in relation to the outcome of the process – the new Chilean constitution – are identified.

Second is the process toward creating a window of opportunity for change. The three theories have much overlap here; they are all centred around central events or ruptures that shape the policy process. In the MSF the problem-, policy-, and politics stream come together to create a window of opportunity. The problem stream is

specifically important, considering problems need to reach the attention of policymakers and this often happens through focusing events. HI is focused on critical junctures that break path dependency, and PET is centred around focusing events that shift the attention of policymakers to the issue. In the case of this research, the move toward changing the constitution is central to the study and the process toward the decision to change the constitution is analysed. The problem stream, HI and PET can then be combined to create a clear image of the events that have led to the decision to rewrite the constitution.

Third is the goal or objective of the theory, entailing what part of the policy process it is about and how it can be applied. For the MSF this is issue creation and agenda-setting, so how an issue becomes important enough for policymakers to address. HI is centred around the role and impact of institutions in the political process. PET is focused on policy change and stability addressed through positive and negative feedback. In this case, it is clear that a policy change is studied. All of these are, as mentioned before, dependent on focusing events or critical junctures, which are therefore central to the analysis. The outcome of the focusing event or critical juncture differs per theory, however. For the MSF this is issue creation and agenda-setting, for HI institutional legacy and path dependence, and for PET political change.

Last, it is important to look at the overlapping limitations. Both MSF and PET are questioned in their applicability outside the US. Furthermore, one of the central take-aways from HI is that change is slow and gradual, whereas all three theories put focusing events or critical junctures – a sudden change – at the centre of policy change. The analysis thus also looks at whether theories are applicable in the Chilean context, and whether the change was a result of a sudden event or rupture, or whether it was a gradual process.

Methodology

This thesis is built on a qualitative analysis, which consists of two parts: First, a content analysis is done; analysing and coding reports from IHROs and news articles published by the Chilean government. Second, with the information obtained in the first part of the analysis, the MSF, HI, and PET are applied to the empirical data to formulate an answer to the research question.

Content Analysis

The general goal of any research strategy is “to provide knowledge and understanding of the phenomena under study” (Downe-Wamboldt, 1992, p. 314). According to Downe-Wamboldt (1992), “content analysis is a research method that provides a systematic and objective means to make valid inferences from verbal, visual, or written data in order to describe and quantify specific phenomena” (p. 314). The selection of the unit of analysis is the most important decision for a researcher who executes a content analysis (Downe-Wamboldt, 1998). Hsieh and Shannon (2005) add to this that “qualitative content analysis is [...] a research method for subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns” (p. 1278). Thus, within content analysis, coding is an often-used strategy to analyse data. Both authors highlight that, within a content analysis, the context of the data is specifically important (Downe-Wamboldt, 1992; Hsieh & Shannon, 2005). The method therefore fits with this thesis, as the theories also highlight the importance of putting the case in its context. In the article of Hsieh and Shannon (2005), three approaches to content analysis are presented: conventional, directed, and summative. As this thesis uses existing theories and research as a basis for the analysis, it is a directed content analysis. The goal of a directed content analysis is “to validate or extend conceptually a theoretical framework or theory” (Hsieh & Shannon, 2015, p. 1281).

Content analysis, as argued by Downe-Wamboldt (1992), exists of several steps. First, the unit of analysis is selected. Second, categories are created and defined. Third, category definitions and rules are pretested. Fourth, reliability and validity are assessed. Fifth, if necessary, the coding rules are revised. Sixth, the revised category scheme is pretested. Seventh, all the data are coded. And last, reliability and validity are reassessed (p. 315). Hsieh and Shannon (2005) reduce these steps to four: First, based on the prior research, key concepts or variables are selected as initial coding categories. Second, operational definitions based on theoretic assumptions for each

category are determined. Third, the transcript (or other textual data source) is read, and the text is highlighted on first impression. Fourth, all highlighted passages are coded using the predetermined codes (p. 1281). Another strategy is to begin coding with the predetermined codes immediately. Data that cannot be coded are then identified and assessed later to determine whether they form a new category or fall within a subcategory of an existing code. The success of a content analysis depends greatly on the coding process (Hsieh & Shannon, 2005).

Findings from a directed content analysis either present evidence that supports a theory or evidence that does not. This evidence can be presented through the codes with exemplars and through descriptive evidence (Hsieh & Shannon, 2005). A benefit of content analysis, as argued by Downe-Wamboldt (1992), is that the researcher has the possibility to come up with the most appropriate definitions of the categories based on his or her interactions with the data. Directed content analysis also has limitations, however. The main limitation is that researchers using the directed content analysis approach the data from a theoretical perspective, meaning that they have a strong bias toward finding what they want to find. Overemphasising the theory can blind researchers from the contextual factors that impact the phenomenon and can therefore negatively influence the results (Hsieh & Shannon, 2005).

Application and Coding Scheme

When using content analysis as a method, it is important to clearly differentiate between the different categories and codes. When definitions are ambiguous and codes overlap, problems may arise (Downe-Wamboldt, 1992). First, however, the units of analysis need to be defined. As this thesis aims to discover how the Pinochet legacy influenced the role of IHROs in the development of a new constitution, these concepts are all included in the categories. Furthermore, as the thesis is centred around critical junctures or focusing events, three main years with critical events that occurred in the last 20 years are chosen for the analysis: First, the protests of 2006, second, the student protests of 2011, and third, the most recent protests of 2019. As explained in the literature review, the thesis focuses on three aspects of the legacy of Pinochet: the Constitution, neoliberalism, and human rights. The coding scheme is therefore based on these categories. In addition to this, the general category 'Legacy' is added. Furthermore, it is important to identify the actors involved, thus this is another category of the coding scheme. The last category entails the protests, for when the protests are specifically mentioned or when protests are categorised in

the data. This thesis uses the software of ATLAS.ti to code the data. The coding scheme, including the categories, the definitions of the categories, and the codes, can be found in Table 1.

Data Sources

The data that are analysed come from several documental sources. The first data source consists of reports written by IHROs. These have been chosen because human rights violations are part of the legacy of the Pinochet dictatorship, and they have been mentioned to have been influential throughout Chilean history. The specific organisations that are chosen are Human Rights Watch (HRW), Amnesty International (AI), the International Federation for Human Rights (Federación Internacional por los Derechos Humanos – FIDH), which is a human rights NGO consisting of 192 separate organisations from 117 countries (International Federation for Human Rights, n.d.), and the United Nations Human Right Office of the High Commissioner (UNHROHC). These are chosen because they either had missions to Chile during the 2019 protests and have written reports about these missions, or because they published world and/or regional reports in which Chile is discussed covering the years of the protests. In these documents, the sections dedicated to Chile are used in the analysis. Furthermore, paragraphs that mention Chile in other parts of the document are assessed and, if relevant, coded.

The reports published by HRW that are analysed in the content analysis are the “World Reports” of the years 2020, 2012, and 2007 respectively. These years are chosen because they report about what happened in the year before with respect to human rights worldwide. All three reports include a section dedicated to Chile, which are the parts of the documents fitting for the analysis. Furthermore, paragraphs mentioning Chile are looked at and coded if relevant. AI has published several types of reports in which the situation in Chile is assessed. These include “The State of the World’s Human Rights” report of the year 2012, which includes a section dedicated to Chile, the “Annual Report of Human Rights in the Americas” of the year 2019, which also includes a section about Chile, and the document “Eyes on Chile: Police Violence and Command Responsibility During the Period of Social Unrest” (referred to as “Eyes on Chile”). This document is focused on police violence and human rights violations during the protests of 2019. Specifically, the executive summary, introduction, conclusion, and the recommendations of the “Eyes on Chile” report are coded for the analysis.

From the FIDH only one document is assessed: the “Final Report: International Human Rights Observation Mission in Chile: 6-11 November 2019”. This is the only document published by the FIDH which addresses the protests. Other documents published on the website were either too specific (i.e., only targeting the Mapuche community in Chile) or did not address the protests. The UNHROHC has published one report about their mission to Chile during the protests of 2019. Therefore, this document is chosen for the analysis. The response of the government to this report (in Spanish – translated by the author) is also part of the analysis to discover what the Chilean government does with interference of IHROs.

The second data source consists of news articles published by the Chilean government published between October 19, 2019, and December 27, 2019. This timeframe was chosen because October 19 was the first date news articles addressing the protests were published on the official government website, and on December 27 President Piñera signed the decree to have a referendum to rewrite the Constitution. These are assessed to see how the stance of the Chilean government towards the protests, the protestors, and the demands develops over time. This last data source is in Spanish and is thus translated by the author before being coded.

Table 1: Coding Scheme

Category	Definition	Codes	
Constitution	References to the Constitution of 1980, the new Constitutional plebiscite or process, the institutional legacy of Pinochet, and (institutionalised) social inequality	- Current - New - Inequality: Social	- Institutionalised Issues - Legacy
Neoliberalism	References to (institutionalised) economic inequality and increased social spending after protests	- Increased Social Spending - Inequality: Economic	
Human Rights	References to human rights violations or protection of human rights, and any references to violence executed by the state or state agents	- Human Rights: Protection - Human Rights: Violations - Violence: General	- Violence: Military - Violence: Police - Violence: State
Actors	References to visible or non-visible actors active in the policy process, in politics, or in the protests, references to national or international pressure aimed at the Chilean government, references to demands of the protestors, any state agent, and any reference to the state's response to protestors and/or (inter)national pressures	- Actors: General - Actors: Government/State - Actors: Not Visible - Actors: Protestor - Actors: Student - Actors: Visible - Pressure: International	- Pressure: National - Protestors' Demands - State Agents: General - State Agents: Military - State Agents: Police - State Response
Protests	References to the protests of 2006, 2011, and 2019, any reference to student protests or protests in general, and any mention of how protests were sparked.	- Protests: 2006 - Protests: 2011 - Protests: 2019	- Protest: General - Protest: Student - Protest: Spark
Legacy	General references to the legacy of Pinochet.	- Legacy	

Application of Theoretical Framework

After coding and the subsequent content analysis, the analysis continues with the application of the theories. This is done in the same order as the theoretical framework: first the MSF, then HI, and lastly PET. The different components of the theory, with emphasis on the most important aspects (highlighted in figure 1 in the theoretical framework), are linked to the coded paragraphs and are then analysed accordingly. The analysis ends by identifying the four main themes that come forward in all theories – actors/objects, process, goal/objective, and limitations – as explained in the theoretical framework. The next paragraph elaborates on these four themes and shows how the directed content analysis of the first part of the analysis helps in identifying the different aspects of the theories.

First, the coding scheme defines different types of actors which are part of the data. The actors are then categorised as ‘Visible’ and ‘Not Visible’, which is in accordance with the theory. In this part of the analysis, meaning is given to the identification of the actors within the categories, and it is assessed what their influence is in the process toward rewriting the Constitution. Second is the process toward the window of opportunity. In combination with the actors, this is the part leading up to the decision of the government to change the Constitution during the protests of 2019. The code that fits with this part of the analysis is ‘Protestors’ Demands’, which looks into how these developed and what actors were involved. Third, the goal or objective of the theory. For all three theories this differs: For the MSF agenda-setting is central, meaning when the new constitution became part of the protestors’ demands. For HI the institutions influencing the policy process are central. The constitution of 1980 is categorised as one of the institutions of great importance for this process, which is also a central concept of the legacy of Pinochet. Within PET, positive feedback which leads to political change is central, and thus the analysis looks into the positive feedback mechanisms leading to the decision of the Chilean government. The final part of the analysis assesses the limitations, to find out whether the theories are applicable in the Chilean context and to add to the theoretical relevance of the thesis.

Validity

The level of internal validity is dependent on how the variables identified for the research relate to each other. As this is an observational study, the value of the independent variable cannot be controlled for. Because of this, internal validity in observational studies is lower compared to experimental studies (Kellstedt & Whitten,

2013). In this case, the Pinochet legacy is the independent variable, and the role of IHROs in the development of a new Constitution the dependent variable. Kellstedt and Whitten (2013) define four causal hurdles that need to be overcome in order to have sufficient internal validity. The first, “is there a credible mechanism connecting X and Y?” (p. 83), is overcome in this case-study because one of the legacies of Pinochet is the aftermath of the human rights violations that occurred during the dictatorship, which is relevant to the reports of the IHROs. Therefore, there exists a credible causal mechanism between the Pinochet legacy, the IHROs, and the Chilean constitution. The second hurdle, the possibility of Y to cause X, and the third hurdle, whether there is covariation between X and Y, are overcome because the Pinochet legacy is a historical phenomenon that cannot be influenced by anything that happened after and the IHRO reports are centred around human rights, an important part of the Pinochet legacy. The last hurdle, whether the research controls for all other variables Z that might make the relation between X and Y questionable, is overcome by including the news articles from the Chilean government, as they account for the other factors of influence (Kellstedt & Whitten, 2013, pp. 82-83). Furthermore, if the analysis finds other factors of importance to the process, these can be identified and discussed, and might be interesting for further research. The internal validity of this research is therefore high.

For content analysis, obtaining high external validity is important (Downe-Wamboldt, 1992). Kellstedt and Whitten (2013) state that external validity is obtained through randomisation, increasing the possibility of generalising the results of a study. As this is a single-case study, however, it is difficult to generalise its outcome. This does not mean that zero external validity is obtained. The limitations of the theories that are applied in the analysis, specifically whether the theories can be applied outside the US, present the opportunity to see whether the theories can be applied in a Latin American context. This theoretical relevance increases the external validity of the thesis.

Results

The results section presents the frequency of the application of the code categories and codes to the reports of the IHROs and to the articles published by the Chilean government. Several paragraphs are quoted to illustrate the findings and for the application of the theoretical framework in the discussion.

International Human Rights Organisations

As can be seen in table 2 (p. 40), the categories were coded 373 times in total, with the most frequently coded category being the 'Actors'. It should be noted, however, that the category of 'Human Rights' in the case of IHROs could be applied everywhere – as the data consist of human rights reports – and is thus only applied if the text specifically mentioned human rights or violence of any type, as defined in the methodology. There is a large difference between the frequency of the application of the 'Actors' code and the other codes, especially when the 'Human Rights' category is not taken into consideration. Where the 'Actors' were coded 156 times, the 'Protests' were coded 37 times, 'Constitution' 25 times, 'Legacy' 16 times, and 'Neoliberalism' 11 times. The following paragraphs include the results of the separate reports of HRW, AI, FIDH, and the UNHROHC respectively, to demonstrate the frequency of the applied categories and codes, which constitutes the basis for the discussion. For every organisation, examples are presented of coded paragraphs to give a more detailed overview of the content of the reports. The tables of the applied codes for every report can be found in Appendix A.

Human Rights Watch

The three reports published by HRW included in the analysis only contain short segments on Chile. Therefore, the number of codes and code-categories applied to the HRW reports is limited. In total the categories were applied 18 times, and even though in all three years protests occurred in Chile, the 'Protest' category was applied twice; once in 2012, and once in 2020, both in relation to abuses by police forces, without addressing in detail the protests, what caused them, or how to resolve the crises. The 'Legacy' category was applied 4 times in the context of the "military-era legacy of tortures" (Human Rights Watch [HRW], 2007, p. 192), "Prosecutions for Past Human Rights Violations" (HRW, 2007, p. 190), and in the paragraphs addressing "Confronting Past Abuses" (HRW, 2012, p. 226; 2020, p. 125). Another code that was applied often is the 'Violence: Police' code, which was applied 7 times to the HRW

reports, of which 4 times in 2020. In this report HRW highlights several times the use of “excessive force” (pp. 124-125). The categories of ‘Constitution’ and ‘Neoliberalism’ were not applied to the HRW reports.

Amnesty International

The reports included in the analysis published by AI do not cover the year 2006. In total, in the AI reports, the code-categories were applied 130 times, 85 of which were applied to the “Eyes on Chile” report. The “Human Rights in the Americas” and “The State of the World’s Human Rights” only include sections dedicated to Chile, thus containing significantly less relevant data than the “Eyes on Chile” report, which only covers Chile. The ‘Actors’ category was applied most often, which includes the codes ‘Pressure: International’ and ‘Visible Actors’. These were applied 12 times and 6 times respectively. The ‘Pressure: International’ code was applied 10 times to the “Eyes on Chile” report, of which 5 times to the “Recommendations” section of the report (p. 108). Furthermore, the ‘Constitution: New’ was applied 5 times, ‘Inequality’ (Economic and Social combined) 15 times, and ‘Actors: Government/State’ 11 times respectively.

Starting with the “Eyes on Chile” report, in the “Recommendations” section the following paragraph was coded ‘Constitution: Current’, ‘Constitution: New’, ‘Inequality: Economic’, ‘Inequality: Social’, ‘Pressure: International’, and ‘Protestors’ Demands’:

Among the demands that emerged at the time was the need for a new constitution, as the Constitution currently in force in Chile does not adequately protect human rights, and especially economic and social rights. Therefore, Amnesty International believes that the constituent process agreed in November 2019 is a historic opportunity to address these demands from all sectors of the population and should be prioritised – Amnesty International [AI], 2020b, p. 109.

Another abstract of the “Recommendations” section mentions the demands of the protestors. The following was coded with ‘Protest: Spark’, ‘Protestors’ Demands’, and ‘State Response’:

The human rights violations [...] took place within the context of mass demonstrations in Chile to demand the guarantee of basic economic and

social rights: decent healthcare, education, pensions, housing, and work.

It is therefore essential that the authorities take account of the fact that the protests were sparked by these demands and that, therefore, the solution to the crisis must be accompanied by [...] measures necessary to guarantee the economic, social, and cultural rights demanded – AI, 2020b, p. 109.

The “Executive Summary” of the report presents an overview of the general findings of the mission to Chile executed by AI. Therefore, many codes were applied to this part of the report. For example, the following paragraph, which was coded ‘Actors: General’, ‘Actors: Students’, ‘Inequality: Social’, ‘Protest: 2019’, ‘Protest: Spark’, ‘Protest: Student’, and ‘Protestors’ Demands’:

What started as a series of protests, mainly by students, against fare increases on public transport in the Metropolitan Region, triggered a wave of demonstrations that spread rapidly throughout almost the entire country. This mass display of discontent expressed demands for greater social equality and recognition and guarantees of social and economic rights, such as the right to a decent pension, housing, education, and quality public health care – AI, 2020b, p. 4.

The ‘Legacy’ code was applied 4 times in the document, for example in the “Introduction”. The following parts were coded ‘Legacy’, ‘Constitution: Current’, ‘Inequality: Economic’, and ‘Inequality: Social’:

Chile is a country of paradoxes. Since the return to democracy in 1990, following the end of the military regime led by Augusto Pinochet, Chile has made significant progress at the institutional, economic, and social levels. [...]

The United Nations Committee on Economic, Social, and Cultural Rights (ESCR Committee) expressed concern about the lack of justifiability and recognition of some rights in Chile’s Constitution. The ESCR Committee specifically mentioned the lack of progress on rights [...] particularly in rural areas – AI 2020b, p. 8

The report also addresses state response, which was coded ‘State Response’, ‘Actors: Government’, and ‘Protestors’ Demands’:

On 20 October, President Piñera denied that the people protesting were doing so to demand rights and said he was “at war against a powerful, implacable enemy, who does not respect anything or anyone and is willing to use unlimited violence and crime, even when it results in the loss of human life, with the sole purpose of causing the greatest possible harm” – AI, 2020b, p. 9.

The second report, “Human Rights in the Americas: 2019”, includes a section dedicated to Chile. In total, the code categories were applied 33 times to this report. The section on Chile starts by addressing the situation of October 2019. The following paragraph was coded ‘Constitution: Current’, ‘Human Rights: Violations’, ‘Inequality: Economic’, ‘Inequality: Social’, ‘Legacy’, ‘Protest: Spark’, ‘Protestors’ Demands’, and ‘Violence: State’:

Chile closed 2019 with the worst human rights crisis since General Augusto Pinochet’s regime. Massive demonstrations began in mid-October in response to an increase on public transport fares. Given the context of the high levels of inequality in the country, the protests (most of them peaceful) expanded to include demands for a more just society in which the state guarantees rights such as health, water, education, and social security. Nevertheless, demonstrations were faced with severe levels of repression by state forces that attempted to justify their use of violence against protesters by claiming that these measures were necessary to protect infrastructure and private property from being damaged or vandalised – AI, 2020a, p. 31.

Both the codes ‘Human Rights: Violations’ and ‘Violence: Police’ were applied 8 times to this document. The ‘State Agents’ codes (including ‘General’, ‘Military’, and ‘Police’) were applied 7 times. ‘Legacy’ was only applied twice, one of which was applied to the “Impunity for Crimes of the Past” segment of the section on Chile:

The government revised the National Human Rights Plan, to free itself of the commitment to “promote the inapplicability” of the 1978 Amnesty Decree Law (which allows amnesty for crimes against humanity committed between 1973 and 1978). It also removed a commitment to create a permanent commission to assess cases of victims of political

torture. Various proposals against impunity for crimes of the past remained stalled in Congress at the end of the year – AI, 2020a, p. 32.

In the last report published by AI, “The State of the World’s Human Rights: 2012”, the code categories were applied 12 times. In this document, the protestors’ demands of the protests of 2011 are mentioned: “Tens of thousands of students, teachers, trade unionists, and others took part in demonstrations, demanding fundamental changes to the public education system” (AI, 2012, p. 106). This sentence was coded with ‘Actors: General’, ‘Protest: 2011’, ‘Protest: Student’, and ‘Protestors’ Demands’.

The ‘Legacy’ code was applied once to this report: “And in Chile, the number of cases of human rights violations under investigation by the courts rose to its highest level yet after a court prosecutor submitted [...] more than 1,000 complaints filed over the years by relatives of people executed on political grounds during the military government of General Augusto Pinochet” (AI, 2012, p. 12). In addition to this, the ‘Protest: 2011’ code was applied 4 times, twice in combination with the ‘Violence: Police’ code, one of which is the following sentence: “There were several reports of torture and other ill-treatment, including beatings and threats of sexual violence, against students arbitrarily detained by police during student demonstrations” (AI, 2012, p. 107).

The International Federation for Human Rights

In total, the categories were applied 76 times to the report of the FIDH, and the categories that were applied most are ‘Actors’ and ‘Human Rights’. The ‘Neoliberalism’ category was not applied to the report. The following paragraphs look into the frequency of specific codes, such as ‘Pressure: International’, which was applied 13 times. For example in the “Recommendations” sections of the report:

Establish a mechanism, with the participation of the INDH and non-governmental human rights organisations, to monitor and ensure compliance with the recommendations given in the reports from international and human rights organisations that have reported on the demonstrations – International Federation for Human Rights [FIDH], 2020, p. 51.

Furthermore, the report addresses ‘State Agents: Police’ in combination with ‘Pressure: International’:

Initiate a process of profound reform of the Carabineros de Chile aimed at democratising its structure and reviewing its role in Chilean society, adapting its rules, protocols, and regulations to international human rights standards – FIDH, 2020, p. 50.

The ‘Legacy’ code was applied 4 times in the FIDH report, once in combination with the ‘Pressure: International’ code. This paragraph was also coded with ‘Institutionalised Issues’, ‘Protest: General’, and ‘Violence: General’:

This domestic regulation has been widely criticised by international organisations, through recommendations to the Chilean State, and by civil society, who criticise the existence of regulations inherited from the dictatorship that regulates the exercise of a fundamental right in a restrictive manner. This regulatory context has led to the violent dispersal of peaceful demonstrations on more than one occasion throughout the years of democracy under the pretext of not being authorised under this decree – FIDH, 2020, p. 38.

The “domestic regulation” refers to the right to assembly and social protest as stated in the Constitution:

Although the right to assembly and social protest has been extensively addressed by international human rights organisations, in Chile the right to peaceful protest is not fully guaranteed. Article 19.13 of the Constitution assures all people “the right to assemble peacefully without prior permission and without weapons”, but establishes that “meetings in squares, streets and other places of public use shall be governed by the general provisions of the police”. – FIDH, 2020, p. 38.

Furthermore, the report addresses the protests of October 2019, including the reason why the protests erupted and the response of the state. The following was coded ‘Actors: Government/State’, ‘Human Rights: Violations’, ‘State Response’, ‘Violence: Police’, and ‘Violence: State’:

In response, the government announced the application of the State’s Internal Security Law 12.927, which establishes a series of special crimes against “public order” with high custodial sentences. In addition,

it ordered the mass presence of Carabineros (Special Forces) riot police in the subway stations. Between Monday 14 October and Thursday 17 October, various violent situations occurred in the subway stations and surroundings, with large numbers of students detained and beaten – FIDH, 2020, p. 7.

The code 'Protestors' Demands' was applied 4 times to the document. The following part was coded 'Protest: Spark' and 'Protestors' Demands':

Although the protests started with the rise in transport costs in the capital, the demands have spread to cover the right to health, education, housing, social security, labour rights, to live in an environment free of pollution, the right to water, the right to life and physical and psychological integrity, etc. – FIDH, 2020, p. 8.

The codes 'State Agents: Police' and 'Violence: Police' were applied 10 and 20 times respectively. 'Violence: State' was applied 8 times, and the protests of 2019 were coded 3 times.

The United Nations

This data source is distinct from the other sources as it includes one report published by the UNHROHC (referred to as the report) and the response to this report by the Chilean government (referred to as the response). As this response was published in Spanish, the translation (by the author) can be found in Appendix B. Furthermore, it is important to note that the report consists of 33 pages, whereas the response is 5 pages long.

The report includes a total of 110 applications of the code categories, whereas the response includes 37. Furthermore, the report was coded 7 times with 'Constitution', 5 times with 'Neoliberalism', and once with 'Legacy', whereas in the response there is no mention of either of these three categories. In the report, 'Human Rights' and 'Actors' are applied most, 40 and 51 times respectively. The response includes 'Human Rights' 13 times, and 'Actors' 21 times. The following paragraphs look into the application of specific codes in both the report and the response.

First, the code 'Human Rights: Protection' is applied once in the report and 10 times in the response. The Chilean government highlights several times the "responsibility the State has as the first guarantor of the protection of human rights" (Chilean

Government, 2019a, p. 1), or “its duty to guarantee the full exercise of fundamental rights and freedoms” (Chilean Government, 2019a, p. 1). Furthermore, the Government highlights “the deep commitment and willingness [...] to give unrestricted compliance with the promotion and protection of human rights, democracy, and the rule of law” (Chilean Government, 2019a).

The single application of the code ‘Human Rights: Protection’ in the report is in the “Recommendations to the Chilean State” section:

Ensure that, during demonstrations, people can exercise their rights to freedom of peaceful assembly and expression without unnecessary and disproportionate restrictions or risks to their physical integrity and other human rights – United Nations Human Right Office of the High Commissioner [UNHROHC], 2019, p. 31.

In the report, ‘Human Rights: Violations’ was coded 30 times. In the response, this code was applied 3 times, of which once in combination with the ‘Human Rights: Protection’ code. The ‘Inequality: Social’ and ‘Inequality: Economic’ codes were applied 10 times in the report and 0 times in the response. Furthermore, the conclusions of the response start with the following text, which was coded with ‘Human Rights: Protection’ and ‘Human Rights: Violations’:

In some cases, the Report affirms the existence of human rights violations before the conclusion of the ongoing investigations [...] In this regard, the Government reiterates the importance of validating the sources of information, since a large number of false news has been corroborated despite being discarded by the Public Ministry or the Courts of Justice – Chilean Government, 2019a, p. 5.

Furthermore, the ‘Pressure: International’ code was applied 5 times in the report, and 4 times in the response. In the “Recommendations to the Chilean State” section, the ‘Pressure: International’ code was applied several times. The following paragraph was coded ‘Inequality: Economic’, ‘Inequality: Social’, and ‘Pressure: International’:

Establish a multi-stakeholder mechanism, including civil society and academia, alongside government representatives and private sector, to identify the structural causes of the protests (in particular relating to

economic and social rights and discrimination) and recommend actions to address them – UNHROHC, 2019, p. 32.

Another paragraph in the “Recommendations” section of the report was coded ‘Constitution: New’ and ‘Pressure: International’:

Ensure that the process of elaboration of a new Constitution is inclusive, participatory and transparent, including by guaranteeing gender parity (50% women, 50% men) during the process and the participation of indigenous peoples and all other sectors of society. Human rights should be at the center of this national debate – UNHROHC, 2019, p. 32.

In the response, the ‘Pressure: International’ code was applied to several points in the “Measures taken” section. Once in the “Precautionary measures” section: “Invitation to international human rights organisations to observe the situation of the country in the field” (Chilean Government, 2019a, p. 3) and twice in the “Corrective measures” section: “Request for the collaboration of experts and international police” and “Analysis of the use of new dissuasive means that are compatible with the highest international standards” (Chilean Government, 2019a, p. 3). The code was applied once in the “Conclusions”:

The Government of Chile thanks the OHCHR [Office of the High Commissioner for Human Rights] for the speed with which it completed its visit and for the willingness of its Mission to collect information from both the Government and civil society. The OHCHR guidelines and recommendations are welcome, as they aim to improve human rights practices, which are a priority for the State of Chile. Your recommendations will contribute to the comprehensive analysis we are doing in this important matter – Chilean Government, 2019a, p. 5.

Table 2.

	Eyes on Chile (AI)	HR in the Americas 2019 (AI)	The State of the World's HR 2012 (AI)	Final Report on Chile (FIDH)	World Report 2007 (HRW)	World Report 2012 (HRW)	World Report 2020 (HRW)	Report of the Mission to Chile (UN)	State Reply to the UN	Total
Constitution	10	3	0	5	0	0	0	7	0	25
Neoliberalism	4	2	0	0	0	0	0	5	0	11
Human Rights	21	13	2	29	2	2	4	40	15	128
Actors	34	9	5	32	1	1	2	51	21	156
Protests	12	4	4	6	0	1	1	6	3	37
Legacy	4	2	1	4	2	1	1	1	0	16
Total	85	33	12	76	5	5	8	110	39	373

The Chilean Government

Table 3 (p. 46) includes the frequency of the application of the code categories to the news articles published by the Chilean government. In total, the code categories were applied 107 times. The ‘Actors’ category was applied most often, whereas the ‘Legacy’ category was applied the least; 50 times and 1 time respectively. The ‘Protests’ category was applied 3 times. However, it should be taken into account that the 2019 protests were ongoing in the timeframe of the articles, and they are thus invariably connected to the protests of 2019. In the following paragraphs, the articles are chronologically assessed and the relevant paragraphs from the articles and the corresponding codes are presented. Not all articles published between October 19 and December 27 include paragraphs mentioned in the results. All articles with direct references to the protests and the surrounding circumstances are, however, translated (by the author) and can be found in Appendix C.

There were two articles published on October 19. One of these articles addresses the protests. The following paragraph was coded with ‘Protest: 2019’, ‘State Response’, and ‘Violence: General’:

In the face of the serious and repeated attacks and assaults against the stations and facilities of the Santiago Metro, against public order, and against both public and private property, that we have known in recent days in the city of Santiago, which have seriously affected the free movement and security of the inhabitants of the city of Santiago [...] and making use of the powers that as President of Chile are granted by the Constitution and the Law I have decreed a State of Emergency in the provinces of Santiago [...] – Chilean Government, 2019c.

The code ‘Protest: Spark’ is applied once in the other article of October 19:

The rise that occurred in the prices of the Metro tickets is due to the mandate of the law, corresponds to the rise in the price of the dollar and in the price of oil, and was determined by a panel of experts as established by the law – Chilean Government, 2019b.

Furthermore, in the same article, the government responded to the protestors’ demands by suspending the rise in the Metro fares, inviting a meeting with “the other powers of the State, the President of the Senate, the President of the Supreme Court,

the President of the Chamber of Deputies”, opening dialogue with citizens to listen to the demands of various sectors of society to target inequality issues (Chilean Government, 2019b). These paragraphs were coded ‘Actors: Visible’, ‘State Response’, and ‘Protestors’ Demands’.

Within the code category ‘Actors’ the codes ‘State Response’ and ‘Actors: Visible’ were both applied 25 times. The code for ‘Pressure: International’ was applied 0 times. The following paragraph from October 19 was coded ‘Protest: 2019’ and ‘Violence: General’.

“All citizens have the right to demonstrate peacefully, and I also understand that they have good reason to do so. But nobody, nobody has the right to act with the brutal criminal violence of those who have destroyed, burned, or damaged more than 78 Santiago Metro stations”
– Chilean Government, 2019b.

In the article published on October 21, the following paragraph was coded ‘Protest: General’:

I recognise and value the right of all Chileans to demonstrate peacefully. I understand, share, and have listened with attention and empathy to your shortcomings, your pains, your problems, your dreams, and your hopes of a better life for you and your families – Chilean Government, 2019d.

In the same article, the government stated they would increase social spending and regulations through the so-called “Social Agenda”. The following paragraph was coded ‘Increase Social Spending’, ‘State Response’, and ‘Actors: Visible’:

Today we are working on a set of measures to be able to promote the improvement of pensions, lower the price of medicines, reduce waiting lists, improve the quality of health care that our compatriots receive, and also implement catastrophe insurance which means the spending on medicines for Chilean families.
And there are so many other areas where we are also working, such as being able to generate more and better jobs, improve wages, regulate increases in the price of basic services such as electricity and tolls, and many others – Chilean Government, 2019d.

The 'Constitution' category is the second largest category that was applied to the articles. In the article of October 22, the government addresses social and economic inequality and proposes several measures to resolve the problems addressed by the protests. The following paragraphs were coded 'Inequality: Economic' and 'Inequality: Social':

Higher taxes for higher-income sectors: Creation of a new tranche in the Complementary Global Tax of 40% for incomes above 8 million per month, which will increase tax collection by US 160 MM. [...]

Greater equity between high- and low-income communes:

Strengthening of the Municipal Common Fund, establishing greater contributions from the higher-income communes. This will allow for greater equity in the provision of municipal services such as security, lighting, infrastructure, parks, sports, recreation, and others – Chilean Government, 2019e.

The 'Protestors' Demands' code was applied 9 times in total, the first application was in the article of 25 October. The following paragraph was coded 'Actors: Not Visible', 'Actors: Visible', 'Institutionalised Issues', 'Legacy', and 'Protestors' Demands':

"We have listened with humility, with attention, with commitment to the voice of the people and their legitimate demands for urgent solutions that we all know have been dragging on for many decades" said the President at the Palacio de La Moneda, accompanied by the Minister of Labour, Nicolás Monckeberg, authorities, older adults, and presidents of community unions of neighbourhood councils of the Metropolitan Region – Chilean Government, 2019f.

On October 28, President Piñera made a change in his cabinet members in the ministries of the Interior, Treasury, Secretariat of the President, Secretariat of the Government, Economy, Labour, and National Assets and Sports (Chilean Government, 2019g). The following paragraph was coded 'Actors: Visible', 'Protestors' Demands', and 'State Response':

At the Montt Varas de La Moneda Hall, President Sebastián Piñera today made a profound change of cabinet in the ministers of the political committee and the Government's economic team, in order to channel to

the country's demands and promote the new social agenda of the Government – Chilean Government, 2019g.

'Constitution: New' was coded 14 times in total, the first article where it was applied was on November 11:

The minister [of the Interior and Public Security, Gonzalo Blumel] added that the country's social pact must be reconfigured, as the citizens have expressed in recent weeks, and that the formula to draw up a new Fundamental Charter is "on the basis of a Constituent Congress that, in the first place, can count on great citizen participation and, secondly, that it will have a ratifying plebiscite later, because the Constitution is the most important law, it is everyone's home and it has to be ratified by the citizens – Chilean Government, 2019j.

Furthermore, in the article of 17 November, a speech by President Sebastián Piñera was delivered in which he addresses the protests and the demands, including the responsibility of the government to the citizens. The following paragraph was coded 'Inequality: Economic', 'Inequality: Social', and 'Protestors' Demands':

During these weeks we have known the legitimate manifestations of millions and millions of Chileans who ask and yearn for a fairer and more equitable Chile, a Chile with greater equality of opportunities and with fewer abuses, a Chile with more dignity for all and fewer privileges for some. Inequality is not only a material issue, it also has to do with the way in which the State related to citizens, with the way in which companies relate to their workers, their suppliers, and their consumers, and the way in which all citizens relate to each other – Chilean Government, 2019n.

In the articles dated after November 11, only on November 27 the code category 'Constitution' was not applied. It was only until December 27, however, that the president signed the decree that called for a Constitutional Plebiscite. The following piece was coded 'Constitution: New' and 'Actors: Visible':

President Sebastián Piñera signed this Friday the supreme decree that calls for a Constitutional Plebiscite.

“As we have said and done for the last 30 years, once again with pencil and a piece of paper, citizens will be able to express their opinion and define the paths that our country will travel,” said the President at the ceremony at the Palacio de La Moneda in which he was accompanied by the Ministers of Interior, Gonzalo Blumel; of the General Secretariat of the Presidency, Felipe Ward; and the General Secretariat of Government, Karla Rubilar – Chilean Government, 2019r.

Table 3

	19-10	21-10	22-10	25-10	28-10	06-11	07-11	11-11
Constitution	0	0	1	1	1	0	0	2
Neoliberalism	0	4	2	4	0	0	0	0
Human Rights	3	1	0	0	0	0	0	2
Actors	2	7	2	3	4	3	2	7
Protests	2	1	0	0	0	0	0	0
Legacy	0	0	0	1	0	0	0	0
Total	7	12	5	9	5	3	2	11

Table 3 (continued)

	13-11	15-11	17-11	22-11	27-11	23-12	27-12	Total
Constitution	4	3	3	2	0	3	2	22
Neoliberalism	1	1	1	0	4	0	0	16
Human Rights	5	0	4	0	0	0	0	15
Actors	5	2	9	2	1	0	1	50
Protests	0	0	0	0	0	0	0	3
Legacy	0	0	0	0	0	0	0	1
Total	15	6	17	4	5	3	3	107

Discussion

The results covered the frequency of the application of the code categories and the codes to the reports of the IHROs and the articles of the Chilean government. The following part of the thesis uses these results to formulate an answer to the research question: *How did the Pinochet legacy influence the role of international human rights organisations in the development of a new Chilean constitution?* First, the content analysis is finished by assessing the differences between the IHROs and the Chilean government are assessed to see what their focus is. Second, the theoretical framework is applied to the data. The paragraphs presented in the results are used to illustrate the different themes of the theoretical framework. The structure of the second part of the discussion is the same as the theoretical framework: first MSF, second HI, and last PET. Third, the three theories are combined to formulate an answer to the research question. Finally, the limitations of the research are discussed and suggestions for further research are presented.

Content analysis

The reports published by HRW do not include recommendations to the Chilean state. They are centred around the legacy of Pinochet and the reparations of the human rights violations that occurred during the dictatorship, and do not mention the process of rewriting the Constitution. Furthermore, they do not cover the protests of 2006, which can therefore not be analysed. The “Eyes on Chile” report by AI includes clear recommendations targeting the inequality caused by the current Chilean constitution. Even though Chile had known a certain level of development after the return to democracy in 1990, inequality remains a burden due to the Constitution. The “Human Rights in the Americas” report addresses the protests and the Pinochet legacy as well. It does not, however, include recommendations or address the process of rewriting the Constitution. It is a general review of the state of human rights, and targets the levels of state repression that occurred during the protests, which the Chilean state defended as necessary to protect the country. The last report published by AI which was used for the analysis was the “State of the World’s Human Rights” report of 2012, which includes a short section addressing the protests of 2011 and the corresponding actors and demands, which only covered educational inequality.

As there is only one report of the FIDH included in the analysis, it is not possible to assess the development of the focus of the organisation over time. The report includes

recommendations to the Chilean state. First, to comply with the recommendations given by other IHROs. Second, to reform the Carabineros, who are still associated with the non-democratic legacy of Pinochet and have been involved in human rights violations in the protests. And last, to target the “regulations inherited from the dictatorship” (FIDH 2020, p. 38), including the institutionalised restrictions on the expression of fundamental human rights by the current constitution. The report published by the UNHROHC also includes recommendations directly addressing the Chilean state. It highlights the process of rewriting the Constitution as an opportunity to target the structural causes behind the protests. Furthermore, the UNHROHC recommends the Chilean state to have an inclusive, participatory, and transparent approach to the process. This report thus specifically targets the new constitution. Furthermore, it was published on December 13, 2019, before Piñera signed the decree, whereas the other reports about the 2019 protests were published in 2020. The response of the Chilean government does not mention neoliberalism, the legacy of Pinochet, or the (new) Constitution. It is mostly focused on explaining the decisions made by the State during the crisis and states that the report is partly based on “false news”. It ends, however, by thanking the UNHROHC and confirming that it takes the recommendations seriously and will use them in the future.

In the articles published by the Chilean Government the Pinochet legacy was only coded once. Furthermore, emphasis is put on the legality of the rise of the metro fares and the declaration of the State of Emergency, which is in line with the dedication to the legality of policies as explained in the literature review. The tone of the articles changes as the protests continue. In the beginning, the President denounces the protests and characterises them as illegitimate violence to the State. Whereas later, the stance of the Government changes, the demands are characterised as legitimate and the process towards rewriting the Constitution is initialised. The IHROs and their reports are not mentioned in the articles of the Chilean government.

Thus, where the IHROs focus on human rights violations and the obligation of the State to protect its citizens and ensure that they can exercise their rights, the Chilean government focuses on the protestors, their demands, and how to quickly resolve the crisis.

Interpretation

The Multiple Streams Framework

MSF explains how policy solutions to issues reach the macro-political agenda. As explained in the theoretical framework, MSF consists of three streams. From the data it can be derived that in this case, the problem stream concerns the persisting social and economic inequality within Chilean society, and the lack of the protection of human rights in the Constitution. The demands expanded to state guarantees, which then also was put on the agenda. When the protests continued, this turned into demands to change the Chilean constitution. The goal of problem brokers is to get attention from the policy entrepreneurs for the problem at hand. In 2011, the problem brokers were “Tens of thousands of students, trade unionists, and others” (AI, 2012, p. 106). During the protests of 2019, based on the data obtained from the reports of AI, the problem brokers were initially students, but eventually came from all sectors of society. Furthermore, the IHROs are problem brokers because they report and raise awareness about recurring issues. This is illustrated by the report of FIDH, which states that certain resolutions in the Constitution had been widely criticised by international organisations, putting to light the problem of the Constitution. In the same report, the problems addressed are connected to the legacy of the dictatorship. Furthermore, in the recommendations of the “Eyes on Chile” report, AI suggests combining the demands of the problem brokers to find a viable solution. The UNHROHC also suggests a way in which the Chilean government can target the “structural causes of the protests” (UNHROHC, 2019b, p. 32). By doing this, the IHROs frame the issue in a way to connect inequality and the lack of protection of human rights with the legacy of the dictatorship and bring this frame to the attention of the policy entrepreneurs. This fits with the term problem broker as defined by Knaggård (2015) in the theoretical framework. Therefore, not only the protestors are considered as problem brokers in this case, but the IHROs as well.

The policy stream consists of the myriad solutions possible for the problem at hand, and the actors involved are the policy entrepreneurs. In the articles of the Chilean government, the development of the different solutions is presented. First, the government only targeted the direct cause of the protests by reversing the rise in the metro fares. When this was not enough to settle the protests the government came with the “Social Agreement” to increase social spending and decrease the social and economic inequalities. This was a direct response to the problems presented by the problem brokers. However, the protests continued and demands expanded to include

state guarantees of social and economic rights, and changing the Constitution. Thus, the process of rewriting the Constitution was put on the agenda. The policy entrepreneurs in the policy stream concern the visible and less visible actors in- and outside the government. The visible actors mentioned in the articles were the President, the Minister of Labour, the Minister of the Interior and Public Security, and the General Secretariats of the Presidency and of the Government. Furthermore, when the demands shifted from improving inequality to rewriting the Constitution, the protestors turned into policy entrepreneurs as well, as they proposed a policy as a solution to the problem.

The politics stream concerns the national mood and other external factors that influence politics, such as elections. The rise in the metro fares was a direct cause of a change in the national mood; the protests started as a response to this change. Furthermore, on October 28, President Piñera shuffled his cabinet members directing the Government to more openness to the citizens. Thus, the politics stream in this case entails the rise in the metro fares which negatively influenced the national mood, causing the protests and starting the crisis, and the cabinet reshuffle.

In short, the IHROs and the protestors were the problem brokers bringing the attention of the Chilean government to the issue of social- and economic inequality caused by a change in the national mood due to the rise of the metro fares. This combination opened the window of opportunity for the Chilean government to address the issue first by reversing the rise of the metro fares, later by introducing the “Social Agreement”, and finally by starting the process of rewriting the Constitution.

Historical Institutionalism

As explained in the theoretical framework, HI is centred around the role of specific moments in shaping later developments, how institutional legacies influence abilities to harness power resources, and how incremental adaptation shapes institutions. Central to this theory is the concept of path dependency, defined as the notion that “certain courses of political development, once initiated, are hard to reverse” (Spohr, 2016, p. 257). Breaking path dependency is either characterised by incremental change, or triggered by exogenous shocks or critical junctures. The definition of a critical juncture that is used for this analysis is the one by Collier and Collier (1991) as presented in the theoretical framework: “A period of significant change [...] which

is hypothesized to produce distinct legacies”. Duration, timing, and relation to other events are important aspects of critical junctures and therefore constitute the central concepts of studying path dependency in HI.

The current Chilean constitution was implemented in 1980, during the military dictatorship of Pinochet. Therefore, it is an institutional legacy of the dictatorship and it constitutes the object of study in the application of HI in this research. Chilean politics long followed the path dependent on this institutional legacy, as it “locked in” the balances of power in the Chilean political sphere. Furthermore, it granted powers to the President and its neoliberal character was beneficial for certain sectors of Chilean society. Therefore, as explained in the theoretical framework, it was beneficial for those in privileged positions to keep the Constitution in place, making it very difficult to break with the path dependent trajectory. In the case of the Chilean constitution, some incremental changes were implemented in the thirty years following the dictatorship, but its main body remained the same.

As explained in the literature review, Chile knows a strong tradition of constitutionalism and dedication to legality. This is illustrated by the articles of the Chilean government published on October 19, where the President highlights that the Constitution grants him the power to decree a State of Emergency in the country, and that the rise of the metro fares was in accordance with the law, and by the FIDH report addressing the State’s Internal Security Law (p. 7). Contrasting with the great amount of power granted to the President, the Constitution generally restricts possibilities and the exercise of rights of the Chilean population. This is illustrated by the reports of the IHROs. In the reports published by, for example, AI it is stated that the current constitution does not respect human rights, and the FIDH highlights a specific article of the Constitution that restricts the Chilean population in their ability to exercise fundamental rights. Furthermore, the report published by the FIDH it is mentioned that international organisations and civil society denounce the existence of regulations inherited from the dictatorship (p. 38). The Constitution is thus an institutional legacy that influences the ability to harness power resources, which is one of the central objectives of HI.

In HI political change occurs when the benefits of change outweigh the costs. In this case, the benefits for the Chilean population of rewriting the Constitution are clear; improved economic and social rights and equality, guaranteed by the State. The data,

however, do not include a specific time or moment where the demands shifted from greater social and economic equality to rewriting the Constitution. For the Chilean state, however, it can be argued that there are relatively more costs than benefits if the Constitution is rewritten. When, for example, the demands for state guarantees for greater social and economic equality and improved protection of human rights are implemented, this would cost the State money and would decrease the neoliberal character of the Constitution which grants the President much power. However, as the protests continued and the favoured solutions did not resolve the crisis, the scale of pros and cons for the Government eventually tipped in favour of rewriting the Constitution.

The protests of October and November 2019 thus opened the critical juncture leading to the institutional change. The rise of the metro fares is identified as the focusing event leading to the opening of the critical juncture. One of the key concepts when analysing critical junctures is duration. Between the decision to implement the Social Agreement and the decision to rewrite the Constitution, was a period of four weeks. This suggests that the duration of the critical juncture was a little less than a month. The juncture was a direct consequence of governmental action, and therefore its timing, the second concept, facilitated the possibility for institutional change. The relation to other events, the last of the three concepts central to critical junctures, can be found in the IHRO reports. The human rights violations that occurred during the protests and missions of IHROs to Chile caused Chile to be in the global spotlights. In the reports published by these IHROs, as the data present, the process of rewriting the Constitution is addressed and the protection of human rights by the State is a central concept. Therefore, the duration, timing, and relation to other events created a window of opportunity for the success of the critical juncture in initialising the new Constituent process, getting rid of the dictatorial institutional legacy. However, as the process of rewriting the Constitution is to this day not finished and the actual institutional change has not yet taken place, the juncture is not yet fully closed.

Punctuated Equilibrium Theory

In PET, political processes are characterised by stability and incrementalism, while sometimes major departures from the status quo occur. The study of policy change based on PET, as explained in the theoretical framework, is focused on the interaction between political institutions, interest mobilisations, and bounded rational decision-

making. The dual foundation of political institutions and bounded rationality influencing policy change is built on four concepts: the policy image, institutional venues, attention allocation, and forces of resistance. Within this process, positive feedback plays a central role. The following paragraphs look into these four concepts to find out how, in the case of the Chilean constitution, political institutions, interest mobilisations, and bounded rational decision-making play a role in the development of a new Chilean constitution.

Policy change occurs when a policy moves beyond the policy subsystem onto the macro-political agenda, which can be done by influencing policymakers through interest mobilisation and framing. A policy image is the way a policy is understood and discussed. When a policy is widely accepted, it is a policy monopoly. Before the protests, the Constitution of 1980 thus was a policy monopoly; it was widely accepted by the Chilean population. When a policy is no longer widely accepted, and the policy image shifts, policy change is possible. The shift in acceptance of a policy leads to interest mobilisations. The data collected from the reports of the IHROs show that IHROs frame the issue with the current constitution as it being insufficient in protecting human rights and equality. For example, AI states that the process of rewriting the Constitution is a “historic opportunity” to address the demands expressed by the Chilean society (2020b, p. 109). Furthermore, the protestors’ demands addressed in the IHRO reports entail that in Chile greater social and economic equality is needed, and the State should take responsibility. The IHROs and the protestors are thus both interest mobilisations in favour of constitutional change. However, the Chilean government denounces the interest mobilisations of the protests by stating that the protestors have the right to protest, but not in the violent way they did. Furthermore, in the response to the UNHROHC, the Government states that the interest mobilisation of the IHROs is based on false information, framing it as illegitimate.

The second concept, institutional venues, targets the institutions that have the power to make decisions concerning policies. These venues can be influenced by interest mobilisations and positive feedback. In Chile, the most important political actor is the president. The government and the president together make the policy decisions and can thus initiate policy change. As presented by the data, President Piñera shuffled his cabinet on October 28, changing the institutional venue and the actors involved in the decision-making process. The positive feedback process in this case

encompasses the continuing protests, even after the implementation of solutions, suggesting that the new policies did not meet the demands of the protestors. In short, the positive feedback process during the 2019 protests entailed the implementation of the rise of the metro fares by the Chilean government – a small change in the circumstances or a punctuation – leading to the rewriting of the Constitution – a large change in the policy.

Third is the notion of attention allocation, which entails the resources a policymaker is able to spend on an issue, and bounded rationality. In this case, the Chilean government was forced to remain spending resources on the issues presented by the protestors and the IHROs because the protests continued. Therefore, the concept of bounded rationality is less applicable to the case-study. Connected to this is the last concept: forces of resistance. This entails that the very institution that constitutes the issue, is the one preventing change. In Chile, the Constitution and the government combined obstructed the possibility of change the 30 years after the dictatorship. Furthermore, as the data collected from the articles published by the Chilean government presents, the Government first tried to resolve the issue without severe institutional change. When this was not enough, however, they had to follow the policy image presented by the protestors and the IHROs and target the Constitution. Thus, following the definition of Rychert and Wilkins (2018) of policy change as presented in the theoretical framework, the new definition that the constitution of 1980 does not sufficiently protect human rights and facilitates equality, the involvement of the new cabinet members, and the increased public attention to the issue due to the protests and the IHRO reports resulted in policy change.

Conceptual Framework

The conceptual framework designed for this thesis is built around four concepts: the actors, the process towards the window of opportunity, the goal or objective of the theories, and the limitations. The main actors identified by the analysis are the protestors, the IHROs, and the Chilean government. The IHROs and the protestors put the issue of structural inequality as a consequence of the Constitution of 1980 on the agenda of the Government. The window of opportunity was opened by the focusing event or critical juncture of the rise of the metro fares implemented by the Government, and remained open due to the development of the demands of the protestors and the continuous protests throughout the final months of 2019. This

means that there was a continuous positive feedback-loop, resulting in large changes in the policy.

According to HI theory, generally policy change occurs incrementally. However, even though protests arose in 2006 and 2011, the data prove that the change in this case-study occurred relatively fast, and the demands for a new constitution were a recent development. The limitations of MSF and PET entailed their applicability to less-developed countries with a different institutional framework than the US. However, as the data suggest, the Chilean political system is similar to the US: it consists of a powerful president, a Senate, and a Chamber of Deputies. Furthermore, Chile is a relatively developed country compared to other Latin American countries. Another argument questioning the applicability to a Latin American context was presented by Sanjurjo (2020), stating that the role of external influences on domestic governments, including factors such as inequality, need to be taken into account. The research executed in this thesis is centred around this limitation, and therefore this limitation is not applicable to this thesis.

Conclusion

This thesis aimed to find out how the Pinochet legacy influenced the role of IHROs in the development of a new Chilean constitution. Based on the qualitative directed content analysis of IHRO reports and articles published by the Chilean government it can be concluded that the Pinochet legacy influenced the reports and recommendations made by IHROs through the enduring inequality institutionalised in the constitution of 1980. The role of the IHROs in the development of a new constitution expressed itself in the recommendations to the Chilean government, which put targeting the Pinochet legacy on the political agenda. The Chilean government, however, did not specifically mention the IHROs as important actors in the process towards the development of a new Chilean constitution.

With the application of the MSF, HI, and PET on the reports covering the years 2006, 2011, and 2019, the development of the demands of the protestors relating to the new constitution was assessed. However, the protests of 2006 were not covered by the reports and therefore they could not be analysed in relation to the influence of the legacy of Pinochet on the IHROs. The demands of the protestors of 2011 were only mentioned once, and only targeted the education system. Thus, the protests of 2019 were central to the development of a new constitution.

The rise of the metro fares was the critical juncture or focusing event that opened the window of opportunity for the Chilean citizens and IHROs to target the path-dependent inequality inherited from the Pinochet dictatorship, and to put rewriting the Constitution on the political agenda. With the continuous protests and the IHRO reports, a positive feedback-loop was created, forcing the Chilean government to keep the topic of targeting the Pinochet legacy on the political agenda and to initiate institutional change. Thus, the protestors and the IHROs forced the Chilean government to enter a new path, with increased equality, getting rid of the institutional legacy of Pinochet.

Limitations and Suggestions

One of the limitations of a directed content analysis addressed in the methodology concerns the risk of approaching data from a predetermined theoretical perspective. This means that a researcher may have a strong bias to finding what they want to find. In this case, however, the research combines several theories, which share similarities but also have ontological differences. Therefore, the risk of neglecting

important information that does not fit with a theory is smaller, increasing the legitimacy of the research.

The initial protests targeting inequality were the student protests of 2006 and 2011. However, as the data sources did not include (much) information on these protests, their impact on the overall development of the demands of the protestors and on IHROs cannot be assessed. The lack of attention of IHROs to the protests of 2006 and 2011 can have many reasons, but it may indicate that their role in that time period was less significant. Diving deeper into these protests was outside the scope of this thesis, but further research can be done to find out if IHROs were involved in these protests and, if yes, how they were involved, and what the influence of the Pinochet legacy was during those protests.

The only IHRO report published in 2019 was the report of the UNHROHC, which was published on December 13, two weeks before Piñera signed the decree for the constitutional plebiscite. It includes specific recommendations targeting the design of the constituent process. The reply, however, does not address the Constitution specifically. On the one hand, it acknowledges the recommendations and states the Government will take them into account for the future analysis of the human rights practices. On the other hand, however, it is stated that the recommendations and claims of human rights violations are based on false news, implying that they are not legitimate. Furthermore, the articles published by the Chilean government do not acknowledge the influence of IHROs and are focused on domestic actors. In addition to this, the timeframe this research only covers the initial phase of the process. Thus, further research into the development constituent process, after the new constitution is ratified by the Chilean population, could address the influence of the IHROs on the rest of the constituent process, including the formation of the constituent convention. Furthermore, long-term research could address the influence of the new Chilean constitution on IHROs and Chilean politics, to find out whether inequality and human rights violations – the issues put forward by the protestors and the IHROs – decreased with the installation of the new constitution.

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Appendix A

Code frequency per international human rights organisation.

Human Rights Watch:

	World Report 2007 Gr=4	World Report 2012 Gr=3	World Report 2020 Gr=6	Totals
• Actors: Government/State Gr=44	1	0	1	2
• Actors: Protestor Gr=2	0	0	1	1
• Human Rights: Protection Gr=16	1	0	0	1
• Human Rights: Violations Gr=65	0	0	2	2
• Legacy Gr=17	2	1	1	4
• Protest: 2011 Gr=7	0	1	0	1
• Protest: 2019 Gr=19	0	0	1	1
• State Agents: Police Gr=60	0	1	0	1
• Violence: General Gr=21	0	0	1	1
• Violence: Military Gr=19	0	0	1	1
• Violence: Police Gr=71	1	2	4	7
Totals	5	5	12	22

Amnesty International:

	Eyes on Chile Gr=56	Human rights in the Americas 2019 Gr=18	The state of the worlds human rights 2012 Gr=6	Totals
• Actors: General Gr=3	2	0	1	3
• Actors: Government/State Gr=44	9	2	0	11
• Actors: Students Gr=5	1	0	0	1
• Actors: Visible Gr=33	4	2	0	6
• Constitution: Current Gr=9	3	2	0	5
• Constitution: New Gr=21	5	0	0	5
• Human Rights: Protection Gr=16	3	0	0	3
• Human Rights: Violations Gr=65	8	8	0	16
• Inequality: Economic Gr=19	4	2	0	6
• Inequality: Social Gr=23	7	2	0	9
• Institutionalised issues Gr=5	1	0	0	1
• Legacy Gr=17	4	2	1	7
• Pressure: International Gr=34	10	2	0	12
• Pressure: National Gr=5	4	0	0	4
• Protest: 2011 Gr=7	0	0	4	4
• Protest: 2019 Gr=19	10	0	0	10
• Protest: General Gr=7	0	2	0	2
• Protest: Spark Gr=11	4	1	0	5
• Protest: Student Gr=8	2	1	2	5
• Protestors' Demands Gr=24	6	1	2	9
• State Agents: General Gr=12	1	1	0	2
• State Agents: Military Gr=23	3	3	0	6
• State Agents: Police Gr=60	9	3	2	14
• State Response Gr=38	4	2	1	7
• Violence: General Gr=21	1	2	0	3
• Violence: Military Gr=19	5	4	0	9
• Violence: Police Gr=71	14	8	2	24
• Violence: State Gr=16	4	2	0	6
Totals	128	52	15	195

International Federation for Human Rights:

	455294586- Informe-Final- Mision-de- Observacio-n-a- Chile-FINAL-EN Gr=53	Totals
• Actors: Government/State Gr=44	10	10
• Constitution: Current Gr=9	3	3
• Human Rights: Violations Gr=65	15	15
• Inequality: Social Gr=23	1	1
• Institutionalised issues Gr=5	3	3
• Legacy Gr=17	4	4
• Pressure: International Gr=34	13	13
• Protest: 2006 Gr=2	1	1
• Protest: 2011 Gr=7	1	1
• Protest: 2019 Gr=19	3	3
• Protest: General Gr=7	1	1
• Protest: Spark Gr=11	2	2
• Protest: Student Gr=8	2	2
• Protestors' Demands Gr=24	4	4
• State Agents: Military Gr=23	6	6
• State Agents: Police Gr=60	10	10
• State Response Gr=38	2	2
• Violence: General Gr=21	1	1
• Violence: Military Gr=19	3	3
• Violence: Police Gr=71	20	20
• Violence: State Gr=16	8	8
Totals	113	113

United Nations Office of the High Commissioner for Human Rights:

	Report of the mission to Chile Gr=70	State reply to UN translated Gr=28	Totals
• Actors: Government/State Gr=44	6	8	14
• Actors: Protestor Gr=2	1	0	1
• Actors: Students Gr=5	3	1	4
• Actors: Visible Gr=33	0	2	2
• Constitution: New Gr=21	2	0	2
• Human Rights: Protection Gr=16	1	10	11
• Human Rights: Violations Gr=65	30	3	30
• Inequality: Economic Gr=19	5	0	5
• Inequality: Social Gr=23	5	0	5
• Legacy Gr=17	1	0	1
• Pressure: International Gr=34	5	4	9
• Pressure: National Gr=5	1	0	1
• Protest: 2006 Gr=2	1	0	1
• Protest: 2011 Gr=7	1	0	1
• Protest: 2019 Gr=19	3	1	4
• Protest: General Gr=7	1	2	3
• Protest: Spark Gr=11	3	0	3
• Protest: Student Gr=8	1	0	1
• Protestors' Demands Gr=24	1	1	2
• State Agents: General Gr=12	7	2	9
• State Agents: Military Gr=23	11	0	11
• State Agents: Police Gr=60	25	3	28
• State Response Gr=38	1	4	5
• Violence: General Gr=21	2	4	6
• Violence: Military Gr=19	6	0	6
• Violence: Police Gr=71	17	1	18
• Violence: State Gr=16	1	0	1
Totals	141	46	184

Articles published by the Chilean government

	19 October 2019 Gr=5	7 November 2019 Gr=2	23 December 2019 Gr=3	27 December 2019 Gr=3	22 October 2019 Gr=4	11 November 2019 Gr=11	13 November 2019 Gr=12	15 November 2019 Gr=4	17 November 2019 Gr=14	22 November 2019 Gr=3	27 November 2019 Gr=5	21 October 2019 Gr=11	25 October 2019 Gr=6	6 November 2019 Gr=3	28 October 2019 Gr=4	Totals
• Actors: General Gr=3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Actors: Government/State Gr=44	0	0	0	0	0	0	0	0	0	0	0	2	2	2	1	7
• Actors: Not Visible Gr=4	0	0	0	0	0	0	0	0	2	0	0	1	1	0	0	4
• Actors: Protestor Gr=2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Actors: Students Gr=5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Actors: Visible Gr=33	0	0	0	1	0	5	1	1	1	2	1	5	3	3	2	25
• Constitution: Current Gr=9	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
• Constitution: New Gr=21	0	0	3	2	0	2	3	3	1	0	0	0	0	0	0	14
• Human Rights: Protection Gr=16	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
• Human Rights: Violations Gr=68	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	2
• Increase Social Spending Gr=10	0	0	0	0	0	0	0	0	0	0	3	3	4	0	0	10
• Inequality: Economic Gr=19	0	0	0	0	2	0	1	1	1	0	3	0	0	0	0	8
• Inequality: Social Gr=23	0	0	0	0	1	0	1	1	2	2	0	0	0	0	1	8
• Institutionalised issues Gr=5	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
• Legacy Gr=17	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
• Pressure: International Gr=34	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Pressure: National Gr=5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Protest: 2006 Gr=2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Protest: 2011 Gr=7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Protest: 2019 Gr=19	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
• Protest: General Gr=7	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
• Protest: Spark Gr=11	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
• Protest: Student Gr=8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Protestors' Demands Gr=24	0	0	0	0	0	0	0	0	2	0	0	0	2	2	3	9
• State Agents: General Gr=12	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
• State Agents: Military Gr=23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• State Agents: Police Gr=60	1	1	0	0	0	3	2	0	0	0	0	0	0	0	0	7
• State Response Gr=39	1	1	0	0	2	1	3	1	4	0	0	5	1	3	3	25
• Violence: General Gr=21	3	0	0	0	0	0	4	0	2	0	0	1	0	0	0	10
• Violence: Military Gr=19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
• Violence: Police Gr=71	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	2
• Violence: State Gr=16	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Totals	7	2	3	3	5	14	16	8	18	4	7	18	15	10	10	140

Appendix B

Translation of the response of the Chilean government to the Report of the United Nations Office of the High Commissioner for Human Rights.

The permanent mission of Chile to the Office of the United Nations and other international organisations based in Geneva sincerely greets the Office of the United Nations High Commissioner for Human Rights and has the honour to send an attachment to this note and to be incorporated as an annex to the Report on the Mission to Chile (October 30 – November 22, 2019), a statement from the Government of Chile in relation to this report.

The permanent mission of Chile takes the opportunity to reiterate to the office of the United Nations High Commissioner for Human Rights the assurances of its highest and distinguished consideration.

Geneva, 13 December 2019.

**DECLARATION OF THE GOVERNMENT OF CHILE
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN
RIGHTS**

1. Introduction

- 1.1** On October 24, 2019, the Government of Chile invited the Office of the High Commissioner of Human Rights to visit our country and observe in the field the situation after the demonstrations and acts of violence that occurred in the country. At the same time to take knowledge of the measures implemented by the Government to re-establish the social peace, promote and protect the human rights of all citizens.
- 1.2** This invitation reflects the deep commitment and willingness of the Government to give unrestricted compliance with the promotion and protection of human rights, democracy, and the rule of law. At that time, the President of the Republic had already met with the National Human Rights Institute and the National Ombudsman for Children, and guaranteed transparency and maximum autonomy to both institutions.
- 1.3** Today, the OHCHR has published the Report of its visit, of which we take due note, whose recommendations we welcome and will study with particular attention.
- 1.4** However, it is necessary to specify and clarify a series of statements and conclusions that, in the opinion of the Government, are not adequately represented or contain wrong information.

2. Context of the situation Chile has faced

- 2.1** As of October 18, Chile experienced an unforeseen and unprecedented situation of violence, which developed simultaneously with de legitimate citizen demands for greater social justice. It was the situation of violence, and not the peaceful demonstrations, which determined the need to decree the State of Constitutional Exception, since it was necessary to comply with the responsibility the State has as the first guarantor of the protection of human rights, which is precisely safeguard public order and security to protect the freedoms and rights of all people.
- 2.2** This wave of violence has, to date, meant more than 2.500 serious events, including 952 of looting, 282 fires, and destruction of public and private property. In addition, 148 metro stations were vandalised or damaged, 245 police barracks have been attacked, as have hospitals, public buildings, electrical supermarket stations, and small businesses.
- 2.3** This situation has seriously affected public order and citizen security. Within this framework, the Government has taken a set of measures, all within the framework of the Constitution and the law, to fulfil its duty to guarantee the full exercise of fundamental rights and freedoms and at the same time re-establish public order, protect citizen security, and safeguard national peace.

- 2.4** The Government has guaranteed the right to peaceful assembly and demonstration. Since October 18, a total of 2.5 million people has participated in marches and public demonstrations, which accounts for the effective exercise of this right. These were maintained even during the State of Constitutional Exception, where peaceful marches with more than 2 million people took place on the same day.

3. Measures taken

The Government and the Carabineros took a set of timely, effective, and expeditious measures for the promotion and protection of human rights in Chile.

3.1 Precautionary measures:

- Mandate to the public forces to strictly apply the protocols for the use of force, under the principles of legality, necessity, and proportionality, safeguarding the human rights of all.
- Instruction to the public forces to report on the mechanisms through which compliance with the protocols and the monitoring plan of the actions of the police force was instructed.
- Promotion and logistical and financial support to strengthen the work of the NHRI and the Ombudsman for Children.
- Coordination with the Public Ministry, the Public Criminal Defence Office, and the Judicial Power for the fulfilment of the duty to investigate and punish possible violations of human rights.
- Policy of total transparency regarding access of information and guarantees for the free exercise of the media.
- Invitation to international human rights organisations to observe the situation of the country in the field.
- Convocation of the Coordination Commission of the Criminal Justice System and the Inter-ministerial Committee of Human Rights, with the aim of safeguarding the human rights, particularly in the context of arrests, the use of force in the maintenance of public order, and the access to justice.

3.2 Corrective measures:

- Opening of administrative proceedings and summary investigations of the Carabineros de Chile. To date, 856 administrative investigations have been opened, the antecedents of which have been sent to the Public Ministry simultaneously.
- Improvement of the use of force protocols, incorporating body cameras for those who use anti-riot shotguns in order to ensure their correct implementation.
- Deployment in the field of 251 human rights instructors of the Carabineros, in order to ensure correct compliance with the protocols.
- Restriction of the use of pellets, prohibiting their use for crowd control.
- Suspension of the use of pellets, except for those cases in which there is an imminent danger to the life of a police officer or civilians.
- Request for an updated study of the composition of the rubber pellets.
- Request for the collaboration of experts and international police.
- Reinforcement of training in the use of anti-riot shotguns.

- Analysis of the use of new dissuasive means that are compatible with the highest international standards.
- Expansion of the installation of cameras in all police stations.
- Creation of the Technical Advisory Committee on Human Rights whose purpose is to analyse and make proposals regarding the actions of the Carabineros and the due protection of human rights. Said Committee is transversal in nature and is made up of people with undeniable experience in the matter.
- Creation of the Council for the Reform of Carabineros, whose purpose is to propose a set of profound reforms to the Carabineros regarding its modernisation, the public order, and the protection of human rights as a transversal axis.

4. Assistance to the victims.

4.1 The State deeply regrets the loss of human life and the large number of injured people that have occurred in the context of extreme violence, affecting in many cases the physical or mental integrity of civilians and public force officials. We also regret that, to date, 2.592 Carabineros have suffered injuries, of which 159 serious.

4.2 The Government, through its Ministries and in coordination with civil society, has made the commitment to provide assistance to people who have reported being victims of violence, including: (a) the formation of a team of professionals to coordinate and accompany women who have reported sexual violence and cooperation agreement with UN Women; (b) the Comprehensive Eye Recovery Programme and the Plan of Medical and Social Help and Assistance for seriously injured persons; (c) a programme of support and psychological containment for young people who have reported being victims of violations of their rights during demonstrations, led by the National Institute of Youth and the Trust Foundation.

5. Institutionalisation of the State

5.1 Chile is a democratic republic with full separation of the Powers of the State and a State of Law that guarantees the functioning of public and autonomous institutions to protect citizens in the exercise and safeguarding of their rights.

5.2 The National Congress, the Courts of Justice, the Public Ministry, the Public Criminal Defence Office, the National Human Rights Institute, and the Children's Ombudsman have exercised their function independently, prevailing in Chile the full exercise of fundamental rights and freedoms.

6. Comments and clarifications to the statements contained in the Report.

6.1 Deaths: in relation to the statement of 26 deaths that occurred in the context of the protests, it should be noted that of those 4 could be attributed to State agents, as the Report indicates. The other cases correspond to deaths attributable to other causes, most of which occurred in the context of looting and fires and are not related to the

peaceful demonstrations. All of which are being investigated by the Public Ministry.

- 6.2** Eye injuries: The Report does not include the figures provided by the Ministry of Health, provided by the Ocular Trauma Unit of the El Salvador hospital. Between October 18 and December 2, 239 patients were treated, of which 16 have suffered total loss of vision in one eye and 75 have normal vision. 148 patients are being evaluated for recoverability. Additionally, the Government regrets deeply the case of two people who have completely lost vision in both eyes.
- 6.3** Extrajudicial Executions: it is not appropriate to use this figure in a country where the rule of law fully functions, pretending to involve two agents of the State accused as perpetrators of the crime of homicide and whose investigation is in the hands of the Public Ministry. Its veracity will only be established in the corresponding judicial sentence.
- 6.4** Freedom of the Press and Human Rights Defenders: the report does not provide antecedents that demonstrate the existence of reprisals or restrictions on the work of human rights defenders and the exercise of freedom of expression and press by the State. On the contrary, the collaboration has been total and permanent, which has been publicly recognised by the institutions involved. The functioning of the written media, the radio, and the television give account of a wide and free coverage of the facts. During the 7 days in which there were curfews, 1.411 safe-conducts were delivered to the NHRI, 1.082 to lawyers, and 1.764 to journalists to carry out their work.
- 6.5** Harassment of Student Leaders: The Report refers to a single case, which corresponds to a student apprehended for breaking the curfew, with no antecedents to affirm that the harassment occurred.
- 6.6** Detained Persons: The Report indicates that many of them are “young people without criminal record”. In this regard, it should be noted that 78% of the cases record at least one prior arrest. Furthermore, 81% of those arrested for looting had been arrested at least once before, and 63% of those arrested for disorder had been detained before. The Report refers to indiscriminate and arbitrary arrests. In this regard, it should be clarified that 95.1% of all the arrests made since October 18 have been declared legal by the Courts of Justice.

7. Conclusions

- 7.1** In some cases, the Report affirms the existence of human rights violations before the conclusion of the ongoing investigations, within the framework of the rule of law and the democratic institutions of the country. In this regard, the Government reiterates the importance of validating the sources of information, since a large number of widely disseminated false news has been corroborated despite being discarded by the Public Ministry or the Courts of Justice.

7.2 The Government of Chile thanks the OHCHR for the speed with which it completed its visit and for the willingness of its Mission to collect information from both the Government and civil society. The OHCHR guidelines and recommendations are welcome, as they aim to improve human rights practices, which are a priority for the State of Chile. Your recommendations will contribute to the comprehensive analysis we are doing in this important matter.

Appendix C

Translation of the news articles published by the Chilean government.

19 October:

President Piñera decrees a State of Emergency in the Provinces of Santiago and Chacabuco and in the municipalities of San Bernardo and Puente Alto to normalise public order.

The Head of State appointed Major General Javier Iturriaga del Campo as Head of National Defence, who explained to the public the scope of the decree.

In the face of the serious and repeated attacks and assaults against the stations and facilities of the Santiago Metro, against public order and citizen security, and against both public and private property, that we have known in recent days in the city of Santiago, which have seriously affected the free movement and security of the inhabitants of the city of Santiago and have also seriously altered public order, and making use of the powers that as President of Chile are granted by the Constitution and the Law I have decreed a State of Emergency in the provinces of Santiago and Chacabuco and in the municipalities of Puente Alto and San Bernardo in the Metropolitan Region.

For these purposes, I have designated Major General Javier Iturriaga del Campo as Chief of National Defence in accordance with the provisions of our legislation regarding the State of Emergency.

The objective of this State of Emergency is very simple, but very profound: to ensure public order, to ensure the tranquillity of the inhabitants of the city of Santiago, to protect both public and private assets, and , above all, to guarantee the rights of all and each one of our compatriots who have been seriously violated by the action of true criminals who do not respect anything or anyone, who are willing to destroy an institution as useful and necessary as the Metro, and who also do not respect rights nor the liberties of his compatriots.

Additionally, as we announced today, we have invoked the State Security Law through complaints that pursue the objective that the people who have committed these very serious acts of crime face justice and assume their responsibilities.

In a democracy, a state of law like the one that all Chileans in our country have built with so much effort, there should be no room for the violence or crime that we have known in recent days in our city.

As President I am fully aware of the difficulties and shortcomings that affect many of our compatriots, and I want to say it very clearly: that contributing to solving their problems, creating opportunities for them, and helping them fulfil their dreams is the objective, the main objective that guides each of the acts of our Government.

The rise that occurred in the prices of the Metro tickets is due to the mandate of the law, corresponds to the rise in the price of the dollar and in the price of oil, and was determined by a panel of experts as established by the law.

But I understand perfectly well and sympathise with many of my compatriots who are affected by this type of hike. For this reason, in the coming days our Government will convene a cross-cutting dialogue and will make all the efforts within our power to mitigate and alleviate the situation of our compatriots who have been affected by this rise in the price of the metro in such a way as to be able to help the most vulnerable and those most in need have the help they need.

I want to end these words by sincerely thanking the Chilean Police and the Chilean Firefighters for their dedication, for their sacrifice, for the commitment they have shown to defend our security, to defend our city, to defend our rule of law.

And also make a fervent appeal to all men and women of good will in our country, who are the vast majority of Chileans, to unite fiercely against the violence unleashed, against the very serious crime that we have known in recent days, which has caused so much damage to our country and especially to our most vulnerable sectors and middle class.

I am convinced that with the unity of all Chileans in a difficult world like the times we are living in, Chile will be able to continue to develop, to continue contributing to solving problems, to continue promoting a better quality of life and helping all our compatriots to be able to have a fuller and happier life.

That is the reason that makes me get up very early every morning and go to bed very late every night, because that is the duty that as President of Chile I feel with all my compatriots.

Thank you.

President Piñera announces suspension of the increase in public transport tickets and calls a dialogue table to listen to the demands of the citizens.

Good afternoon:

These weeks Chileans have lived sad and difficult days. That is why as President of all Chileans I want to share with my compatriots some reflections, feelings, and also some decisions.

The first priority of our Government is to ensure public order and the security of Chileans, and also the safeguarding of the freedoms and rights that correspond to all our compatriots. All citizens have the right to demonstrate peacefully, and I also understand that they have good reasons to do so.

But nobody, nobody has the right to act with the brutal criminal violence of those who have destroyed, burned, or damaged more than 78 Santiago Metro stations, who have burned Santiago Metro trains, who have burned or rendered useless terminals and buses of the system of public transport.

In this way, they have managed to destroy or severely damage something that belongs to all of us and that we have built with so much effort.

It is against these criminals and not against compatriots who demonstrate peacefully, that we have invoked the State Security Law, in order to identify, prosecute, judge, and punish them for the severe damage they have caused to our society and to all Chileans, and for the great pain that – I am sure – many Chileans feel when they see how valuable and dear things such as our public transport system are destroyed.

The metro and the public transport system are at the service of all Chileans, and in a very special way to the most vulnerable groups and our middle class. Therefore, I regret that today they are suffering the consequences of these acts of vandalism.

It is due to the serious attacks on public order and citizen security, the destruction of valuable infrastructure, both public and private, that we had to establish a State of Emergency last night not only to protect public order and citizen tranquillity, but also to safeguard the freedoms, rights, tranquillity and peace of all Chilean families that have been affected by these acts of violence, vandalism, and crime.

General Iturriaga, who I designated as head of the State of Emergency, has the powers to take additional measures such as a curfew if necessary, to better protect the peace and tranquillity of our families.

I also want to share with all my compatriots my commitment, understanding, and solidarity with the problems and deficiencies that affect and anguish so many Chilean families, and also because of the excessive inequalities that have dragged on for so many decades.

Only united will we be able to safeguard and preserve our democracy and our freedoms, and only united will we be able to leave behind and overcome these problems and deficiencies that affect so many Chilean families.

Dear compatriots,

From day one your problems and your dreams have been our problems and our dreams, your wishes and your priorities have been our wishes and priorities. That is why the priorities of our Government have been focused on fighting crime, drug trafficking and terrorism, creating more and better jobs, with better salaries and generating higher pensions, improving the quality of education for our children and the health of our families, and start a new and better treatment of our children, our older adults, and our middle class.

These have been the priorities and motivations that have guided and inspired our Government from day one and will continue to do so until the last day of our mandate.

I also want to say very frankly: I have listened with humility and with great attention to the voice of my compatriots and I will not be afraid to continue listening to that voice, because this is how democracies are built, and because this is how we achieve greater unity among our Chileans.

That is why I want to announce today:

First, we are going to suspend the increase in Metro fares, which will require the approval of a law that must be very urgent, until we reach an agreement that allows us to better protect our compatriots against sudden and unexpected increases in the price of the dollar or oil, as they have happened in recent months and which are the cause of the increase in rates.

Second, I have invited to a meeting tomorrow the other Powers of the State, the President of the Senate, the President of the Supreme Court, the President of the Chamber of Deputies to get to know their opinions and their proposals to face and overcome this difficult situation.

Also, during the next week, I will convene a broad and cross-sectional dialogue table to listen to the voice and proposals of different sectors, but very especially the voice of our citizens, to know what their ideas and proposals are to better satisfy demands so felt by our compatriots, such as the high cost of living, greater security for our families, a decrease in the price of medicines and a decrease in the price and guarantees of our health systems.

But to achieve these objectives there is a fundamental condition: we have to be united to move towards a freer, fairer, more prosperous Chile and also so that all Chilean families can have a fuller and happier life.

It is true, and that is why I want to make a fervent call for the unity of all men and women of good will in condemning the fight against violence and crime, which have no place in a democratic society such as ours. Because we cannot continue to tolerate the brutal acts of violence, vandalism, and crime that we have known in recent days and that have caused so much damage and sadness to all Chileans.

It is true that we still have a long way to go, many problems to face, many opportunities to seize, and many dreams to fulfil, but it is also true that we have a wonderful country of which we are all proud and we also have to come together to take better care of our families, to take better care of our country.

Long live Chile!

Thank you.

21 October:

President Piñera calls for Social Agreement to seek solutions to needs and opportunities for all Chileans.

The president highlighted that work is being done on measures to promote the improvement in pensions, lower the price of medicines, reduce waiting lists, implement a catastrophe insurance in health, improve wages and jobs, and regulate increases in the prices of basic services, such as electricity and tolls.

Next, the speech delivered this Monday by President Sebastián Piñera at the Palacio de La Moneda:

Dear compatriots, good afternoon:

We have lived through very sad and difficult days.

I recognise and value the right of all Chileans to demonstrate peacefully. I understand, share, and have listened with attention and empathy to your shortcomings, your pains, your problems, your dreams, and your hopes of a better life for you and your families.

But something very different is the brutal violence and destruction that small groups of criminals have unleashed, with organisation and means, and who plan it with particular treachery and malice, who do not respect human life, who are willing to destroy our public transport system, to set fire to supermarkets, industries, and public buildings, who attack fairs and small businesses, to violate the homes of Chilean families, without respecting anyone or anything and destroying everything that stands in their way, and without caring about the tremendous pain and damage caused by these acts of vandalism to millions and millions of Chilean men and women.

I know that at times I have spoken out against this violence and crime. Understand me compatriots. I do so because I am outraged to see the damage and pain that this violence and crime causes, and because it is my responsibility, as President of Chile, to safeguard public order, protect citizen security, and ensure the free exercise of their rights and normal development of their lives, and because violence cannot and will not prevail in Chile.

That is why we have invoked the State Security Law, not against citizens, but against that handful of criminals who with so much violence and evil destroy properties and dreams, and we have also established the State of Emergency in many regions in Chile to allow for our Armed Forces to work together with our Forces of Order in protecting their lives, their tranquillity, their security, their property. Today we have extended the State of Emergency to the Atacama and Los Lagos regions.

Because democracy not only has the right, it has the obligation, to defend itself within the framework of the Constitution and the Law, against evils such as violence, crime, and also against evils such as injustice, abuse, and corruption.

But the duty of the President goes far beyond safeguarding Public Order and protecting Citizen Security. It also includes opening wide the paths of dialogue, collaboration, goodwill, and agreements between the different sectors that want to travel these paths.

That is why in these sad and difficult days I have met with many people, with the President of the Senate, the President of the Supreme Court, the President of the Chamber of Deputies, mayors, parliamentarians, and Civil Society Organisations.

Tomorrow I will meet with the Presidents of both the Government and the Opposition Parties to explore, and hopefully advance, towards a Social Agreement to be able to explore and hopefully advance towards a social agreement that allows us all together to approach quickly, effectively, and also with responsibility, towards better solutions to the problems that afflict Chileans and the opportunities our compatriots deserve, so that everyone, but especially the middle class and the most vulnerable, can have a better life.

I thank the Parliament for the speed with which it approved the law that we sent yesterday to freeze the 30-peso increase in the Metro fare that had been established by the law itself, and I am also very aware that this is only a first step and that we have to go through it together with good will, with dialogue and agreements.

Today we are working on a set of measures to be able to promote the improvement of pensions, lower the price of medicines, reduce waiting lists, improve the quality of health care that our compatriots receive, and also implement catastrophe insurance which means the spending on medicines for Chilean families.

And there are so many other areas where we are also working, such as being able to generate more and better jobs, improve wages, regulate increases in the price of basic services such as electricity and tolls, and many others.

We hope tomorrow to be able to analyse these ideas and also, naturally, the proposals that the parties make to use, both from the Government or from the Opposition, in such a way that we can move towards agreement, that is what the Chilean men and women ask from us and that is what the Chilean men and women deserve.

We are also working on a reconstruction plan because the damage that these days of violence and crime have caused is very great and is measured in hundreds of millions of dollars.

And, for that reason, we are going to have to rebuild our public transport system, the Metro, and also in the regions all the damage that these days of violence and crime have caused.

These are works that we had all built together with so much effort and for so many years that it is painful and outrageous to see how in minutes the fire devastates them.

In the circumstances we are experiencing, there are no paths to unity, unity is the way to find solutions to the problems and challenges we face.

We want to repair not only the physical damage, but also the moral damage that these acts of violence and vandalism have caused to the body and soul of our country.

And, for that reason, we have to advance by greater pace and greater will in civic friendship, agreements, dialogue, collaboration, and also in finding better and faster solutions to so many problems that affect and afflict millions and millions of compatriots so that they can help to solve their problems, so that they can help take advantage of the talents God gave them and so that they can have better guarantees of life with dignity.

I hope that all of you can return to your homes tonight, take care of yourselves, take care of your families, may God bless Chile, may God bless all Chileans.

Thank you and good night.

22 October:

President Piñera announces set of proposals for a new social agenda.

The President announced tonight a series of measures on pensions, health and medicines, guaranteed minimum income, reduction of electricity rates, taxes for higher-income sectors, reduction of the parliamentary benefits, a reconstruction plan, among others.

President Sebastián Piñera presented on Tuesday a forceful Social Agenda that establishes urgent benefits for the vulnerable sectors, the middle class, the elderly, and the most neglected.

The main announcements are:

Pensions

1. Immediate increase of 20% of the Basic Solidarity Pension, which will benefit 590,000 pensioners.
2. Immediate increase, as soon as the law is approved, of 20% in the Solidarity Pension Contribution, which will benefit 945,000 pensioners.
3. Additional increase in basic pensions and solidarity pension contributions, during the years 2021 and 2022, for pensioners over 75 years of age.
4. Contributions of fiscal resources to complement the pension savings of the middle class and women who work and contribute, to increase their pensions at the time of retirement, which will benefit 500,000 workers.
5. Contributions of fiscal resources to improve the pensions of the disabled elderly.

Health and Medicines

1. Urgency of immediate discussion of the Bill sent by our Government to Congress that creates the Insurance for Catastrophic Diseases, in order to ensure a ceiling on family health spending. The expense that exceeds that ceiling will be covered by the Insurance.
2. Creation of an Insurance that covers part of the spending on medicines of Chilean families, not covered by programs such as the GES or the Ricarte Soto Law.
3. Expansion of the Fonasa agreement with pharmacies to reduce the price of medicines, which will benefit more than 12 million people.

Guaranteed Minimum Income

Creation of a Guaranteed Minimum Income of \$350,000 per month, for all full-time workers, when it is less than \$350,000. This benefit will be applied proportionally to those under 18 and over 65 years of age.

Electricity Rates

Creation of a stabilisation mechanism for electricity rates, which will make it possible to cancel the recent 9.2% rise in electricity, bringing the value of electricity rates back to the level of the first half of this year.

Higher taxes for higher-income sectors: Creation of a new tranche in the Complementary Global Tax of 40% for incomes above 8 million per month, which will increase tax collection by US 160 MM.

Creation of the Victims Ombudsman, in order to facilitate access and strengthen legal defence and social and psychological support for victims of crime.

Greater equity between high- and low-income communes:

Strengthening of the Municipal Common Fund, establishing greater contributions from the higher-income communes. This will allow for greater equity in the provision of municipal services such as security, lighting, infrastructure, parks, sports, recreation, and others.

Congress and Public Administration

Reduction of the allowances of parliamentarians and high salaries of the public administration and reduction in the number of parliamentarians and limitation of re-elections.

There are several projects of high social content, sent by our Government to Congress, which require urgent processing and approval. For these reasons, I ask Congress to speed up the approval of:

1. The Pro-Childhood Project, which ends the infamous Sename and replaces it with two new public services: the Child and Adolescent Protection Service and the Youth Reintegration Service.
2. Project that creates the Catastrophy Health Insurance.
3. Project that creates the right to the Universal Nursery for all children of mothers, or fathers when appropriate, workers in Chile.
4. Project that establishes the reduction of the contributions of the most vulnerable older adults.

Reconstruction Plan of the damage and destruction caused by the violence and crime that occurred in recent days, which have caused serious damage to public infrastructure, especially the Metro and other public facilities. This Reconstruction Plan will take time and will commit resources of more than 350 million dollars.

25 October:

President Piñera signs a bill to increase the pension of almost 3 million people: “We have listened with humility and commitment to the voice of the people and their legitimate demands”.

The Head of State announced the increase of an additional contribution point, at the employer’s expense, which will be used to finance Social Security; a 20%

increase in the basic solidarity pension and the solidarity pension contribution and contributions of fiscal resources to complement the pension savings of the middle class and women.

President Sebastián Piñera signed a bill on Friday to increase the pensions of almost 3 million Chileans.

“We have listened with humility, with attention, with commitment to the voice of the people and their legitimate demands for urgent solutions to problems that we all know have been dragging on for many decades,” said the President at the Palacio de La Moneda, accompanied by the Minister of Labour, Nicolás Monckeberg, authorities, older adults, and presidents of community unions of neighbourhood councils of the Metropolitan Region.

The measures involve a 20% increase in the Basic Solidarity Pension, which will benefit 600,000 people.

In addition, an immediate increase will be made as soon as the law is approved in the Solidarity Pension Contribution of 20%, benefiting one million older adults.

“All this is part of a Social Agenda that we are going to promote and that we are promoting with all the strength in the world,” said the President.

The project also adds an additional contribution point, at the expense of the employer, which will be used to finance Social Security, such as insurance for the disabled elderly and other Social Security.

It also incorporates an addition increase in the basic pensions and solidarity pension contributions, during the years 2021 and 2022, for pensioners over 74 years of age and contributions of fiscal resources to complement the pension savings of the middle class and women, favouring 500,000 workers.

Additionally, fiscal resources will be committed to improve the pensions of non-courageous older adults.

This is the second initiative that President Piñera sends to Congress within the framework of the Social Agenda announced on Tuesday, a series of measures that establish urgent benefits for the vulnerable sectors, the middle class, the elderly and the most underprivileged.

28 October:

President Piñera makes a change of cabinet in the Interior, Treasury, Segpres, Segegob, Economy, Labour, National Assets and Sports.

“Our government has listened to the strong and clear message of Chileans, who ask for and deserve a more just and supportive Chile, a Chile with more dignity and without abuse, a Chile with greater equality of opportunities and fewer privileges, and also a Chile more prosperous and a Chile in peace”, said the Head of State, who assured that the new team will have the mission of listening and opening dialogues towards a more just Chile, in solidarity, with equal opportunities and in peace.

At the Montt Varas de La Moneda Hall, President Sebastián Piñera today made a profound change of cabinet in the ministers of the political committee and the Government’s economic team, in order to channel to the country’s demands and promote the new social agenda of the Government.

The portfolios that suffered modifications were: Interior, Treasury, General Secretariat of the Presidency, General Secretariat of the Government, Economy, Labour, National Assets and Sports.

“Chile has changed and the Government also has to change to face these new challenges and these new times,” said the President at the inauguration ceremony of the new Secretaries of State in the Montt Varas Room of the La Moneda Palace.

In his speech after the oath, he added that “our Government has heard the strong and clear message of Chileans, who ask for and deserve a more just and supportive Chile, a Chile with more dignity and without abuse, a Chile with greater equal opportunities and fewer privileges, and also a more prosperous Chile and a Chile at peace”.

The new ministers, whose average ages is 42, represent the generational change, vocation of public service and add more women to the cabinet.

Gonzalo Blumel, Minister of the Interior and Public Security.

Ignacio Briones, Minister of Finance.

Felipe Ward, Minister of the General Secretariat of the Presidency.

Lucas Palacios, Minister of Economy, Development and Tourism.

Karla Rubilar, spokesperson and minister of the General Secretariat of the Government.

María José Zaldívar, Minister of Labor and Social Security.

Julio Isamit, Minister of National Assets.

Cecilia Pérez, Minister of Sports.

6 November:

President Piñera signs a bill that establishes a minimum guaranteed income of \$350,000: “We are responding with facts to what the people have demanded”

The subsidy will benefit 540,000 workers and will cover 90% of the most vulnerable households.

President Sebastián Piñera signed the bill on Wednesday that establishes a guaranteed minimum income of \$350,000 for all full-time workers.

“We are responding with facts and not only with good intentions to what the people have demanded,” said the President at the Palacio de La Moneda accompanied by the ministers of Finance, Ignacio Briones; Labour, María José Zaldívar; Segpres, Felipe Ward; and Social Development, Sebastián Sichel.

The subsidy is intended for those who currently have wages below \$350,000 and who belong to 90% of the most vulnerable households, and will directly benefit the worker.

In addition to covering full-time workers, the benefit will be extended proportionally to employees with reduced hours.

In this way, all people who have an income below \$350,000 and above the minimum wage of \$301,000 will receive a subsidy from the State that will allow their income to reach a minimum of \$350,000.

The measure will cost about \$190 billion in its first year of application.

“With this we are giving a new impulse to the Social Agenda,” added the President.

The announcement is part of the New Social Agenda announced by the President in October, which also includes immediate improvements in pensions, a new catastrophe health insurance to give more coverage to families, agreements to lower the price of medicines, a decrease of electricity rates and other services, and an increase of the contribution of resources to the municipalities.

7 November:

President Piñera presents an agenda to safeguard public order and protect citizen security.

The President announced a law to toughen the sanctions against those who commit looting and carry out crimes against public order with barricades and said that he will urge the bill the punishes with greater rigour to those who are hooded in acts of violence.

President Sebastián Piñera announced on Thursday measures to strengthen public order and protect citizen security, including an Anti-Looting Bill, which will toughen penalties for robbery crimes that are carried out using the crowd for disturbances of public order.

In addition, immediate discussion will be established on the Anti-Hooded Law Project, which will punish with greater rigour those who carry out public disorders by hiding their identity, and urgency will be given to the project that allows better the combat of crimes that are carried out with barricades.

“Today is the time for unity and agreements of all sectors that we want to live in a democratic Chile, with the rule of law, and in peace,” said President Piñera at the La Moneda Palace, accompanied by the Interior Minister, Gonzalo Blumel; and the undersecretaries of the Interior, Rodrigo Ubilla, and of Crime Prevention, Katherine Martorell.

The President highlighted the creation of a special team to investigate looting, destruction, and vandalism, made up of the Prosecutor’s Office, Carabineros, and the Investigative Police, to allow better preventive and investigative police intelligence, and pointed out that the aerial surveillance capacity will be doubled.

In addition, the President announced that a special team of lawyers will be created so that, from the Ministry of the Interior, criminal complaints are filed, and criminal cases processed.

Meanwhile, the capacity to receive citizen complaints will be strengthened and a bill will be proposed that will regulate and sanction with greater force the damages against the Police, the PDI, and the Gendarmerie.

The President also indicated that an immediate discussion will be presented for the project that reinforces the National Intelligence System of the State and will put greater urgency on the project that modernises the police force.

“We are convinced that this Agenda will be a significant contribution to Public Order and Citizen Security,” added the President.

The President summoned a meeting of the National Security Council for this Thursday.

11 November:

Government agrees to start process for a new Constitution

After holding a meeting with President Sebastián Piñera, the helmsmen of the Chile Vamos parties and other members of the political committee, the Minister of the Interior and Public Security, Gonzalo Blumel, pointed out that “we have agreed to start the path to advance towards a new Constitution”.

The minister added that the country’s social pact must be reconfigured, as the citizens have expressed in recent weeks, and that the formula to draw up a new Fundamental Charter is “on the basis of a Constituent Congress that, in the first place, can count on great citizen participation and, secondly, that it will have a ratifying plebiscite later, because the Constitution is the most important law, it is everyone’s home and it has to be ratified by the citizens.

The Interior Minister said that they will initiate a process of transversal dialogue with all sectors and social and political forces in order to achieve the broadest agreements and coordination to advance this new Constitution.

Likewise, the minister added that the deadlines must be approached responsibly and there must be established a work schedule because “it is too important a discussion and it is not prudent to have it open permanently, therefore we want to work urgently but also responsibly”.

Use of force in demonstrations

Additionally, during the afternoon of this Sunday, in La Moneda, the High Commander of the Carabineros met with the ministers Gonzalo Blumel and Karla Rubilar, and the undersecretary Rodrigo Ubilla to establish new protocols in the procedures of the uniformed men.

At the meeting, 4 measures were agreed that begin to take effect immediately:

- The use of the anti-riot shotgun will be limited to cases where there is a risk to the life of police or civilians, or a threat to public and private property.
 - Those who use shotguns must use body video cameras.
 - There will be 250 institutional instructors certified in human rights to be deployed in mobilisations to ensure correct compliance with protocols.
 - Foreign police delegations will be invited to work on the best application of the protocols.
-

Ministry of Justice and Human Rights announces measures to strengthen access to defence for people detained in the context of mobilisations.

Booklets with the rights of detainees and information to access the Public Criminal Defence Office and the Institute of Human Rights will be distributed in all police stations in the country.

Expedited access for both lawyers and relatives of people detained in the context of demonstrations were part of the agreements emanating from the last session of the Coordinating Commission of the Criminal Justice System, a body headed by the Minister of Justice and Human Rights, Hernán Larraín, who announced the measures.

An appointment was attended by the president of the Supreme Courts, Haroldo Brito; the national prosecutor of the Public Ministry, Jorge Abbott; the general director of the Carabineros, Mario Rozas; the national defender Andrés Mahnke and the national director of the Gendarmerie, Colonel Christian Alveal, among other authorities.

“Today the Commission has prepared and agreed on a proposal that allows strengthening and ensuring the most absolute coordination between the police and the Public Ministry, the Criminal Defender and the courts to have all the information regarding the people who are detained,” said the Secretary of State. Larraín explained that full access to the defence of detained persons will be ensured by any lawyer who appears and asks to request a meeting or work with a specific

person, guaranteeing the right to defence as well as guarantees for their relatives so that they are aware about the situation of their close ones.

Additionally, the Undersecretariat of Human Rights together with the Public Criminal Defence Office (DPP) will coordinate the preparation and distribution of booklets with information so that the accused know their rights, how to quickly access the services of the DPP or the NHRI if violations are found to their human rights.

In the case of adolescents, they may attend the Children's Ombudsman. "We want this way to guarantee access to defence for all detained persons," he added.

13 November:

President Piñera summons the entire country to an Agreement for Peace and to condemn the violence categorically.

The Head of State referred to the serious disturbance of public order in different regions and asked all sectors to be part of the solution. He also summoned the entire country to unite in three agreements: for peace and against violence; for justice to promote a social agenda towards a more just Chile; and a new constitution within the framework of democratic institutions.

The President of the Republic, Sebastián Piñera, referred tonight to the serious public order problems that have taken place in different parts of the country and made a call to unite in three agreements: for peace and against violence; for justice to promote a social agenda towards a more just Chile; and a new constitution within the framework of democratic institutions.

"The serious situation requires putting aside all the trifles, miseries, and acting with greatness, generosity, and patriotism to be able to finalise the agreements that Chile so badly needs," said the President.

Here you can check the full speech:

Good evening, all Chileans:

Today we have lived a new day of violence, of destruction that, I am sure, has caused serious damage and pain to our country and to millions of Chilean families.

Despite all the efforts and tall the sacrifice and selflessness deployed by our Carabineros and our Investigative Police in compliance with their mandate and constitutional obligation, public order has been violated and citizen security has not been respected.

To strengthen the important and indispensable work that the Carabineros and the Investigative Police must carry out, we have decided to open the possibility of reintegration to the Carabineros and the Investigative Police of all those people who had a recent retirement and who have had an outstanding service to increase the capacity and increase the effectiveness of our Forces of Order and Security.

But, without a doubt, this is not enough, given the reality that Chileans are experiencing, this is not enough. This serious situation of violence and crime severely undermines our democracy, against our rule of law, and, above all, undermines and violates the freedoms and rights of all Chileans, but especially of the most vulnerable and of our needy middle class.

These are times of unity, these are times of greatness. That is what all our compatriots ask of us and with good reason. That is why we have to make the firm resolve that this situation has to end and it has to end now, and be fully aware that this depends on the effort and commitment that each one of us makes.

All political forces, all social organisations, all Chileans of good will today have to unite around three great, urgent, and necessary National Agreements.

First, an Agreement for Peace and Against Violence that allows us to condemn categorically and without any doubt a violence that has caused us so much damage, and that also condemns with the same force all those who directly or indirectly promote it, endorse it, or tolerate it.

Second, an Agreement for Justice to be able to promote all together a robust Social Agenda that allows us to move quickly towards a more just Chile, a Chile with more equity and with fewer abuses, a Chile with greater equality of opportunities and with fewer privileges.

And third, an Agreement for a new Constitution within the framework of our democratic institutionality, but with a clear and effective citizen participation, with a ratifying plebiscite so that citizens participate not only in the elaboration of this new Constitution, but also have the last word in its approval and in the construction of the new social pact that Chile needs.

I want to say it clearly, from day one our Government has made every effort to listen to the people carefully, with humility, with understanding, and also to seek agreements with all sectors, with good will, with the capacity for dialogue, and with flexibility, because we are absolutely convinced that we all must and have to promote these three great Agreements together; the Agreement for Peace, the Agreement for Justice, and the Agreement for a new Constitution.

The serious situation that our country has been experiencing for almost 4 weeks now demands, and urgently, to put aside all the trifles, put aside all the miseries, act with greatness, generosity, and patriotism, that circumstances require us to be able to concretise these three great Agreements that are so needed and so fundamental so that Chile can reconnect with its future and so that Chilean families can find peace and can live their lives with freedom and safety.

We have to start with the Agreement for Peace, and here each and every one of us has to assume their responsibilities. Because without peace and with a country that suffers the violence that we have suffered in recent weeks, the Agreement for Justice and the Agreement for the new Constitution will not be able to advance or become fruitful.

Just as we do not tolerate any violation of Human Rights, we do not tolerate any impunity for crimes that reflect so much evil and that have caused so much harm to so many people for so long.

For that reason, I have instructed the Ministry of the Interior and Public Security to file complaints tomorrow under the State Security Law against those who have incited, or who have promoted, or who have encouraged, or who have participated in serious crimes that we have known during this journey.

I call on my compatriots, all Chilean men and women, to unite our wills, to unite our hearts to achieve an Agreement for Peace, for Justice, and for a New Constitution for Chile.

May God bless Chile, may God bless all Chileans.

Thank you and good night.

15 November:

Minister Gonzalo Blumel values transversal agreement for Social Peace and a New Constitution.

After an intense day of negotiations in Congress in Santiago, this morning a formula was agreed between the ruling party and sectors of the opposition.

“We have all listened and we have all learned. We are sure that this agreement for peace and the new Constitution will allow us to meet again and build a better country. A fairer, more inclusive, and more united one,” the Interior Minister Gonzalo Blumel said from La Moneda after the President of the Senate, together with the helmsmen from Chile Vamos and the opposition party, announced that a consensual formula had been reached to modify the fundamental charter.

The document signed by the parliamentarians establishes an entry plebiscite with two alternatives. The first option of a constituent convention made up 100% of citizens elected for that purpose; and another that includes 40% of parliamentarians and 50% of members elected by the citizens.

“This agreement is a first step, but it is a historical and fundamental first step to begin to build our new social pact, the new home for all,” said the Interior Minister.

Below are the points of the signed agreement:

Agreement for Social Peace and the New Constitution

Faced with the serious political and social crisis in the country, attending to the mobilisation of citizens and the call made by H.E. President Sebastián Piñera, the undersigned parties have agreed on an institutional solution whose objective is to seek peace and social justice through an unobjectionable democratic procedure.

1. The parties that sign this agreement come to guarantee their commitment to the restoration of peace and public order in Chile and the total respect of human rights and the current democratic institutions.
2. A plebiscite will be promoted in the month of April 2020 that resolves two questions,
 - a) Do you want a new Constitution? I approve or I reject.
 - b) What type of body should draft the Constitution? Mixed Constitutional Convention or Constitutional Convention
3. The Mixed Constitutional Convention will be integrated in equal parts by members elected for this purpose, and parliamentarians in office.
4. In the case of the Constitutional Convention, its members will be fully elected for this purpose. The election of the members of both instances will be held

in October 2020 together with the regional and municipal elections under universal suffrage with the same electoral system that governs the elections of Deputies in the corresponding proportion.

5. The constituent body is ultimately elected by the citizens. Its sole purpose shall be to draft the new Constitution, not affecting the competences and attributions of other organs and powers of the State, and it will be dissolved once the task entrusted to it has been completed.
 6. The Constituent body must approve the rules and voting regulations for them by a quorum of two thirds of its members in office.
 7. The New Constitution will govern at the time of its promulgation and publication, organically repealing the current Constitution.
 8. Once the new Fundamental Charter has been drafted by the constituent body, it will be submitted to a ratifying plebiscite. This vote will be carried out by compulsory universal suffrage.
 9. People who currently hold public and popularly elected positions will cease in office by the sole ministry of the law at the time their candidacy is accepted by the Electoral Service to the constituent body. The members of the constitutional body will have a surviving inability to be candidates for popularly elected positions for one year from the end of their mandate.
 10. The parties that sign this agreement will designate a Technical Commission, which will focus on determining all the essential aspects to materialise the aforementioned. The appointment of the members of this Commission will be equal between the opposition and the ruling party.
 11. The term of operation of the constituent body will be up to nine months, extendable only once for three months. Sixty days after the return of the new constitutional text by the constituent body, a ratifying referendum will be held with mandatory universal suffrage. In no case may this take place sixty days before or after popular vote.
 12. The constitutional and or legal reform project(s) that emanate from this Agreement will be submitted to the approval of the National Congress as a whole. For said vote, the undersigned parties undertake their approval.
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17 November:

President Piñera appreciated the constitutional agreement and thanks those who join the agreements for Peace and social justice.

At the Palacio de La Moneda, the President valued the contribution of civil society and called on all Chileans to advance on the path to build a freer, fairer, and more fraternal country.

Here is the full speech by President Piñera:

Chileans, good night:

In the last 4 weeks, all Chileans have lived through hard and difficult times, which have hit the body and soul of our society, and have left us deep lessons and have also sown hope.

During these weeks we have known the legitimate manifestations of millions and millions of Chileans who ask and yearn for a fairer and more equitable Chile, a Chile with greater equality of opportunities and with fewer abuses, a Chile with more dignity for all and fewer privileges for some. Inequality is not only a material issue, it also has to do with the way in which the State related to citizens, with the way in which companies relate to their workers, their suppliers, and their consumers, and the way in which all citizens relate to each other.

We have listened to that strong and clear voice of our citizens with great attention and with humility, and it has meant valuable lessons, because they represent demands that are just and legitimate, and that is why they commit us as a Government and as a society.

In the last 4 weeks Chile changed, Chileans changed, the Government changed. We have all changed. Because the Social Pact under which we had lived cracked and showed its wounds and cracks. We all need together to renew that Social Pact in such a way that we can heal those wounds and repair those cracks.

And for that to be possible, all of us, all Chileans of good will, must categorically and unambiguously condemn violence, violence wherever it comes from. Because we know that violence only breeds more violence and is always accompanied by pain and frustration, and hits the most humble, the most needy, hardest. For this reason, our Government will make every effort within the rule of law so that there is justice and there is no impunity for those who caused so much damage to so many Chileans.

Last Tuesday, after a night of destructive violence, we proposed to all Chileans three great agreements: an Agreement for Peace, an Agreement for Social Justice, and an Agreement for a New Constitution.

Dear compatriots,

That night, Tuesday night, as President of Chile, I had to choose between two very difficult paths. The path of force, by decreeing a new State of Constitutional Exception, or the path of Peace. Our National Shield says “by reason or force”. That night we opted for the path of reason, to give peace a chance.

I want to thank so many civil society organisations that the next day did not hesitate to join this path of peace and unity. I am grateful for the commitment to Chile shown by so many unions, by SME organisations, by university rectors, by organisations that work with children and adolescents, by churches and political figures representing a broad spectrum who did not hesitate to come to La Moneda to generously express your firm support for these paths of the future and of hope.

I also want to thank our military, our police, the PDI, and our firefighters, who in strenuous and often violent days risked their lives and their physical integrity to protect our lives and our physical integrity.

Unfortunately, and despite the strong commitment and all the precautions that not only the Government, but also our Armed Forces and Law Enforcement Forces, to protect the Human Rights of all, in some cases the protocols were not respected, there was excessive use of force, abuses, or crimes were committed and the rights of all were not respected.

I want to express my solidarity and condolences to the people who were victims of this violence, to those who suffered injuries, and especially to the relatives of those compatriots who lost their lives. I want to tell you from the bottom of my soul that our prayers and our thoughts are with you.

Our commitment to human rights, truth, and justice, requires that all these cases are being investigated by administrative summaries of our Armed Forces and Law Enforcement or by the Prosecutor’s Office, and will continue to be investigated, so the merit of the case can be known and will be judged by our Courts of Justice.

There will be no impunity neither for those who did acts of unusual violence nor for those who committed abuses. We will do the best of our efforts to assist all victims

in their recovery and for the Prosecutor's Office and the Courts of Justice to fulfil their mission to investigate and do justice.

Chileans:

The Peace Agreement does not only mean safeguarding public order and citizen security, it means much more, it also means strengthening civic friendship between all Chileans, it means abiding by the rule of law and respecting the law, it means respecting the Human Rights of all, it means pacifying the spirits, so that you and your family and all Chilean families can live, study, work, or recreate in peace, safely, and thus be able to fully exercise their freedom and rights.

The Agreement for Social Justice means moving forward, with a renewed will and a clear sense of urgency, to improve the pensions of our older adults, to improve the income of our workers, improve the health of our families, and to ensure, through reasonable prices of basic services such as public transport, electricity, water or tolls, that families face a cost of living that reduces the fear that affects so many families of not knowing if they will be able to make ends meet.

Our Middle Class has progressed on their own merit and sacrifice, and they know it. But it is also true that a part of it is fragile and with many middle-class families they live permanently with fears: fear of losing their job, fear of illness, fear of an act of delinquency, fear of the elderly. And that is why the Social Agenda also has to take charge of this fragility and these fears.

We are well aware that the measures that we have announced and will announce will not solve all problems immediately. Hopefully that is possible. But we do know that they have meant and will mean an important relief and also represent a firm commitment from the Government, and I believe from all political forces to move forward with determination and will towards a more just Chile.

That is why the Agreement for a New Constitution, reached by the parliamentarians early Friday, signifies a broad and solid commitment, which I am sure has the majority support of the citizenry, which will have an active and effective participation: first, in a plebiscite input. Second, by electing their representatives in the Constituent Body, and third, with a final plebiscite, so that the citizens will have the last word regarding our future Constitution.

Consequently, if the citizens so decide, we will advance towards a new Constitution, the first one drawn up in full democracy and accepted and respected by all, which

will be the great framework of unity, legitimacy and stability for our democracy to face the paths of the future and that allow all citizens to process and resolve our legitimate differences within the framework of the Constitution and the law. In this way we will truly advance towards the construction of a common home, everyone's home, which is the homeland to which we all pay tribute.

Today I want to value and thank from the bottom of my soul that broad group of parliamentarians who, after many hours of difficult negotiations and legitimate discussions, managed to overcome many of their historic differences and put the interests of Chile and Chileans in front through an agreement. That is what the good policy that we saw this Friday is about.

I also want to thank, and with emotion, those millions and millions of Chileans who, despite all the difficulties and risks, came to their places of study or work so that Chile could stay on its feet and not stop. To those hundreds of SMEs and small entrepreneurs, many of whom lost the effort of a lifetime and yet are still willing to stand up and try again, to the companies that gave facilities to their workers and suppliers, and to so many families, mothers, and parents who knew how to contain and take in their children who were undoubtedly affected these days by the fear and uncertainty that violence always generates.

Dear compatriots,

The final outcome of these 4 weeks is not yet written. It is up to us to build and travel together the paths that lead our country and our society to a good port.

We have taken important steps in the right direction, such as the 2020 budget and tax agreement. But we still have a long way to go. And for that reason, the next agreement that we have to build is to improve the pensions of our older adults. Our Government is willing to move beyond the 20% increase that we have proposed, but I want to say it very clearly: we have to walk this path responsibly, and that requires gradualness, in order to be able to comply with actions and not just good intentions.

Our Government, with the collaboration of Congress and civil society, is committed to advancing, with will and urgency, in strengthening and perfecting the Social Agenda and also promoting a great Agreement that allows us that Constitution, that guarantees for all a common home, the house of all of us, and in order to build a Chile in which we are all freer, also a Chile with more justice, and a Chile with more brotherhood.

And in this mission we must avoid falling into populism and demagoguery, because we know that they only lead to pain and frustration for all Chileans, and especially for the most humble and those most in need. Our duty is to always act responsibly and with sensitivity to build on rock and not on sand, the roads of the future of our country.

Chileans,

These last 4 weeks have hit our productive system hard and deeply and will mean great costs for our economy. But I also want to say that our economy is healthy and its fundamentals are solid. We have an arduous task ahead of us to put it on the path of growth, which must be faced with the vision, responsibility, and effort of all. We must rebuild what the violence destroyed, we must come out in support of so many SMEs and enterprises that have suffered the rigours of this last week, we must also implement a plan to boost our economy in order to recover the path of growth and to move forward all together towards a freer, fairer, and happier Chile.

Dear compatriots,

Let's Take Care of Our Families

Let's Take Care of Our Democracy

Let's Take Care of Our Beautiful Country

May God bless Chile and all Chileans, and give us all the wisdom and strength to walk the paths of the future together.

Good evening and thank you.

22 November:

Government presents “The Chile that We Want”, an initiative for dialogues and social listening to advance new proposals for the country.

In this first stage, those who have carried out a dialogue, from today on they can upload it on the platform www.chilequequeremos.cl where all the information will be collected.

With citizen dialogue with a group of 60 older adults from different municipalities of the RM, the government presented “The Chile that We Want”, an initiative that is

part of the Agreement for Social Justice and an Agreement for a New Constitution, to rebuild trust and start a process of social listening through citizen dialogues.

The Chile we want will have a web platform where from today citizens who have held a dialogue and have a record of it, can upload it to www.chilequequeremos.cl. There, all the proposals will be collected to jointly build new proposals for the country. For those who want to present their proposals individually, from Thursday of next week an online form will be enabled on the same site, on the same day, the people who want to organise their dialogue and do not know how, will be able to download a “suggestion guide for the dialogue” together with a registration act that they can share on the platform.

“We want to make the dialogue that is already taking place among citizens easier, but we also want to make it more transformative, fulfilling the objective of rebuilding trust and social cohesion, but above all proposing an agenda for Chile that is capable of addressing the demands, discomforts and pains in results and concrete actions in the medium term”, said the Minister of Social Development and Family, Sebastián Sichel.

This initiative is a joint effort between the ministries of Social Development and Family; of Science, Technology, Knowledge and Innovation; of Agriculture; the General Secretariat of Government and the Digital Government Division of the General Secretariat of the Presidency.

The information received from citizens will be systematised by the Ministry of Science, a task that Minister Andrés Couve says is an example of how “once again the national scientific community places itself at the service of the country. In this case, for a listening exercise broad and participatory in which data science is going to be a key tool. We want people’s concerns to be collected with the care and rigour that technology allows us and that the depth of this social outbreak deserves”.

To ensure the transparency of the process, The Chile That We Want has a Council of Observers for the process of social listening, made up of 8 members who will also prepare a public report and propose recommendations to install dialogue as a formal participation process for the elaboration of public policies in our country.

Annie Dufey, spokesperson for the observers, pointed out that “this is a process that contributes to what is already happening, where citizens are already participating, however, the state has to play a key role as a channel for these processes. We are in a country in which all processes add up, therefore, in this

social listening, the inputs must be listened to with influence and with due accountability in this roadmap”.

Council members:

Rodrigo Delgado

Annie Duffey

Macarena Letelier

Monica Retamal

Juan Cristobal Romero

Alberto Precht

Ignacio Irarrázaval

Eleazar Vargas

27 November:

National Congress dispatches Draft Budget Law 2020 with emphasis on Social Agenda.

In this project, the public transportation subsidy for all adults over 65 years of age, the increase in per capita health spending, and the increase in pensions, which will allow the beneficiaries of the Basic Solidarity Pension and Solidarity Pension Contribution see an increase of 50%.

The Minister of Finance, Ignacio Briones, together with the Director of Budgets, Rodrigo Cerda, expressed their satisfaction with the approval of the Budget Bill for next year, which considers an increase of 4.5% compared to the law approved for 2019, with resources for a total amount of US\$ 74,153 million.

The main emphasis of this treasury are Education, Work and Health.

In his presentation in the Senate, the Minister of Finance highlighted the importance of advancing along the path of dialogue, respecting the country's institutional framework and the value of democracy.

“We have to give that fundamental signal to the country, show that our democracy is being played here, in Congress,” he said.

Regarding the budget project, he highlighted the improvements introduced in it, such as the subsidy of public transport for all adults over 65 years of age, the increase in per capita health spending, and the increase in pensions, which will allow the year 2022 the beneficiaries of the Basic Solidarity Pension and Solidarity Pension Contribution to see an increase of 50%.

“Here we are talking about the main change, not only in substance but also in terms of resources, since the reform made by President Bachelet in her first government and that created the solidarity pillar. I think it is something to be proud of. It is a relevant kick-off on a road ahead. Let us try to assess what has been achieved here, I value it very strongly,” he said.

The authority also warned about the difficult economic situation facing the country. “We have a complex fiscal deficit situation. We must act with fiscal responsibility. This fiscal responsibility is the equivalent of ensuring the sustainability of the demanding programs that we are starting today. If we are not responsible, we can take a super good shot for the short term, but progress is going to be spurious and we are going to end up dishonouring an expectation that is being created today. And we know very well what happens when one dishonours expectations. That would be a mistake,” he said.

The authority also referred to the importance of focusing on improving the use of public resources.

“It is the moment that also see together how we face our Budget in a different way. It is essential to ask ourselves the fundamental question of how we are spending and how we refocus our priorities. It is a moral duty to ensure that each peso that Chileans give us effectively reaches those who need it most. We have invited both houses to work together towards this important objective. We must change the inertia and the status quo in this matter, to take charge of the new and more demanding demands of the citizenry”, Minister Briones pointed out.

23 December:

President Piñera promulgated a reform bill that enables the constitutional plebiscite: “It defines a way to achieve a solid institutional framework”

The Head of State appreciated the work of the political parties that made it possible to reach a constitutional agreement in Congress and made a call for unity, respect, and dialogue among all Chileans.

President Sebastián Piñera signed on Monday the decree that promulgates the constitutional reform project that makes it possible to hold a plebiscite in April 2021, highlighting the work of Congress and valuing a democratic process and broad citizen participation.

“This Reform opens the doors and defines a path to achieve a great Constitutional Agreement that gives us that solid, shared, legitimate institutional framework to be able to face as a country the formidable challenges of the present and the magnificent opportunities of the future that this 21st century is already putting on our path,” said the President, who was accompanied by the First Lady, Cecilia Morel; former President, Ricardo Lagos; the President of the Supreme Court, Haroldo Brito; and the President of the Chamber of Deputies, Iván Flores.

The Constitutional Reform establishes a plebiscite on Sunday, April 26, 2020, which raises to questions: whether you want a New Constitution, and what type of body should draft it. In case of advancing with the constituent process, deadlines are established for the election of the constituents and a deadline for the holding of a convention that prepares the Magna Carta.

The final constitutional text must then be endorsed in a new plebiscite.

“For the first time, we have the opportunity to achieve with total freedom and in full democracy a great constitutional agreement, with broad and effective citizen participation,” said President Sebastián Piñera, in a ceremony at the Palacio de La Moneda attended by ministers, deputies, authorities, and representatives of civil society.

The Head of State called on society to face this historical process with unity: “It is of sublime importance to recover the value of unity, respect, dialogue, agreements, and goodwill with which we must relate to each other, and especially with those who think differently”.

27 December:

President Piñera convenes the 2020 Constitutional Plebiscite: “It will allow us Chileans to decide the paths of the future”.

The consultation will be held on April 26, 2020. The President called on all Chileans to participate.

President Sebastián Piñera signed this Friday the supreme decree that calls for a Constitutional Plebiscite.

“As we have said and done for the last 30 years, once again with pencil and with a piece of paper, citizens will be able to express their opinion and define the paths that our country will travel,” said the President at a ceremony at the Palacio de La Moneda in which he was accompanied by the Ministers of Interior, Gonzalo Blumel; of the General Secretariat of the Presidency, Felipe Ward; and the General Secretariat of Government, Karla Rubilar.

The process will raise two questions: if the proposal for a New Constitution is approved or rejected, and what type of body should draft it. In case of advancing with the constitutional process, deadlines are established for the election of the members of the convention and for the realisation of a convention that elaborates the Magna Carta.

The final constitutional text must then be approved in a new referendum.

“The Constitutional Plebiscite will allow us Chileans to decide the paths of the future,” added the President.

The President also called on all citizens to participate in this process with respect, dialogue, and peace.

“The Constitution has to be the great framework of unity and stability for our society,” he concluded.

On Monday, December 23, President Piñera promulgated the reform project that enables the Constitutional Plebiscite, an opportunity in which he valued the work of the political parties that allowed reaching a constitutional agreement in Congress.