

Italy (2010)

Status: Partly Free

Legal Environment: 11

Political Environment: 12

Economic Environment: 10

Total Score: 33

Freedoms of speech and the press are constitutionally guaranteed and generally respected despite ongoing concerns regarding concentration of media ownership. The 2004 Gasparri Law on Broadcasting was heavily criticized for provisions that enabled Prime Minister Silvio Berlusconi to maintain his control of the private media market, largely through his ownership of the Mediaset Group. In October 2009, the Constitutional Court overturned a law that had granted Berlusconi protection from prosecution while he remains in office. The ruling opened the way for a number of court cases against him to proceed, including a tax fraud case

involving Mediaset.

In June 2008, the lower house of Parliament approved a bill that would impose heavy fines or jail terms on journalists who use transcripts from wiretaps without a judge's permission. It had yet to pass the Senate at the end of 2009. The International Press Institute noted that the bill could "limit journalists' ability to provide the public with vital information." The draft law contains "provisions that restrict journalists' right to report on police investigations, and includes heavy punishments for breaching these restrictions." Reporters would face up to three years in prison and editors could be fined up to €465,000 (US\$576,000) for making reference to preliminary police investigations, reporting on official investigation documents before hearings have begun, and publishing leaked police wiretaps. The European Federation of Journalists also criticized the draft law, stating, "Journalists are not supposed to hide information, whether the source is public or private, and their sources should be protected. Berlusconi's draft law is contrary to international conventions and to the case-law of the European Court of Human Rights."

Tensions between the press and prime minister escalated in 2009, as Berlusconi repeatedly tried to interfere in journalists' efforts to cover conflicts between his private and political lives. Berlusconi's private life came under intense scrutiny during the year after his wife filed for divorce and accused him of consorting with minors. Becoming Italy's first head of government to take legal action against Italian and European media, Berlusconi sued several foreign newspapers for their coverage of his private life, particularly the claim that he had a sexual relationship with an 18-year-old girl. The Italian media group L'Espresso, which owns the newspaper *La Repubblica*, sued Berlusconi for defamation after the prime minister called the paper "subversive" and encouraged advertisers to boycott it. *La Repubblica* has been investigating the prime minister's personal life, including accusations that he had paid for sex. *Videocracy*, a

documentary criticizing Berlusconi's media dominance, was boycotted in August by Mediaset as well as RAI, the state broadcasting network, with both refusing even to air the trailer. In addition, the newspaper *Il Giornale*, which is owned by Berlusconi's brother, attacked the Catholic paper *Avvenire* after it ran stories criticizing the prime minister's behavior. On October 3, almost 300,000 people turned out in Rome for a protest against Berlusconi's harassment of the media that was organized by the European Federation of Journalists' Italian affiliate.

Journalists occasionally face physical threats or attacks from organized crime networks and other political or social groups. According to Reporters Without Borders (RSF), there are currently about 10 journalists under police protection for their writing on organized crime. Roberto Saviano, a journalist who wrote the best-selling book *Gomorra* about the Neapolitan mafia, or Camorra, has been under police protection for threats on his life since the publication of the book in 2006.

Italy suffers from an unusually high concentration of media ownership by European standards. With the 2006 election of Romano Prodi as prime minister, overt government interference in media content began to diminish. However, Berlusconi's return to power in April 2008 gave him indirect control over up to 90 percent of the country's broadcast media through the state-owned outlets and his own private media holdings. He is the main shareholder of Mediaset, which owns several television channels; the country's largest magazine publisher, Mondadori; and its largest advertising company, Publitalia. *Il Giornale*, the paper owned by Berlusconi's brother, is one of the country's nationwide dailies. The high concentration in the broadcast sector is a concern, as most Italians receive news and information through the broadcast media. The print sector is more diverse in both ownership and content. There are many newspapers and news magazines, most of them with regional bases. Newspapers are primarily run by political parties or owned by large media groups, and they continue to provide a range of political opinions, including those that are critical of the government.

Approximately 49 percent of the population accessed the internet regularly in 2009, and politically focused blogs have become an important source of news for many Italians. Although the internet is generally unrestricted, the government blocks foreign websites if they violate national laws, and the police monitor certain websites in an effort to catch purveyors of child pornography. An antiterrorism law passed after the 2005 bombings in London requires internet cafes to obtain a government license, allows internet surveillance, and obliges internet cafe users to show photo identification.