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Freedom Of The Press - Italy (2011)

Status: Partly Free
Legal Environment: 11
Political Environment: 13
Economic Environment: 10
Total Score: 34

Freedoms of speech and of 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 2010, the Senate passed a bill that would limit the use of police wiretaps, prescribing heavy fines and up to 30 days in jail for journalists who publish content from such recordings before the implicated defendant goes to trial. The controversial bill was seen primarily as an effort to keep embarrassing information about politicians out of the news. Following international condemnation and protests by journalists, including a national strike in July, the government put a hold on the draft law, and it had not been enacted at the end of the year. In addition to this threat to media freedom, a comprehensive report released by the Vienna-based International Press Institute noted a number of other legal impediments, including the lack of a proper law to deal with conflict of interest (particularly between media ownership and holding political office), as well as licensing procedures for journalists that can potentially lead to official influence and limited opportunities for foreign-born reporters.

Defamation can be punished with either prison terms or fines, and civil cases against journalists remained common in 2010, as Berlusconi's private life came under growing scrutiny. In 2009, Berlusconi had sued several foreign newspapers for their coverage on his private life, particularly the claim that he had a sexual relationship with an 18-year-old girl. His separate libel cases against the Italian papers *La Repubblica* and *L'Unita* remained active with no verdict at the end of 2010. In October 2010, Berlusconi filed a libel suit against a television journalist for investigating his real estate investments in Antigua. The journalist, Milena Gabanelli, alluded to the idea that Berlusconi was involved in money laundering. In another case, commentator Marco Travaglio was fined €16,000 (\$21,000) for defaming the president of the Senate, Renato Schifani, during a television talk show that aired in 2008.

Political interference at the state broadcaster, RAI, remained a key issue of concern during the year. Under a long-standing arrangement, Parliament—now dominated by Berlusconi's coalition—has direct control over the appointment of most directors and a number of key journalists at RAI. The board of directors suspended political discussion on the

broadcaster's three television channels during the month leading up to regional elections in March 2010, citing the difficulty of ensuring equal treatment to all political factions. However, the decision was seen as a politically motivated attempt by the Berlusconi government to maintain power. On two occasions during the year, Berlusconi called in to a political talk show on the state-owned network to complain that the show was biased and did not give equal time to center-right candidates. In past instances, RAI journalists who were overly critical of the government have been removed from their positions.

Journalists occasionally face physical threats or attacks from organized crime networks and other political or social groups. Several journalists live under police protection for their writing on organized crime, including Roberto Saviano, a journalist who wrote the best-selling book *Gomorra* about the Neapolitan mafia. Separately, journalists covering the highly publicized 2007 murder of British student Meredith Kercher have faced harassment and intimidation throughout the investigation, trial, and aftermath.

While the print sector is more diverse in both ownership and content, most Italians receive news and information through the broadcast media sector. 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. Italy suffers from an unusually high concentration of media ownership by European standards. 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. Publitalia controls 65 percent of the television advertising market, giving Berlusconi's channels an advantage in attracting advertising. In addition, one of the country's major nationwide daily newspapers, *Il Giornale*, is owned by Berlusconi's brother.

Approximately 54 percent of the population accessed the internet regularly in 2010. Although the internet is generally unrestricted, the government regulates certain websites, such as those offering gambling or child pornography. An antiterrorism law passed after the 2005 bombings in London requires internet cafés to obtain a government license, allows internet surveillance, and obliges internet café users to show photographic identification. In early 2010, three executives with the U.S.-based internet giant Google received six-month suspended prison sentences for privacy violations, having allegedly failed to promptly remove an objectionable clip posted on Google's YouTube video-sharing site in 2006. The defendants were acquitted of criminal defamation charges, but the ruling affected press freedom by potentially forcing website administrators to review all user-generated content before posting.