

## FREEDOM OF THE PRESS

# Italy

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Freedoms of speech and of the press in Italy are constitutionally guaranteed and generally respected in practice, despite ongoing concerns regarding concentration of media ownership. The 2004 Gasparri Law on broadcasting has been heavily criticized for provisions that had enabled Prime Minister Silvio Berlusconi to maintain control of the private media market, largely through his ownership of the Mediaset Group, though Berlusconi's resignation from the premiership in November 2011 curtailed his parallel influence over state media. A 2010 report released by the Vienna-based International Press Institute noted a number of other legal impediments to press freedom, including the lack of a proper law to deal with conflicts of interest, particularly between media ownership and holding political office, as well as licensing procedures for journalists that can lead to official influence and limit opportunities for foreign-born reporters.

In February 2011, the Constitutional Court struck down a law that effectively guaranteed Berlusconi immunity from prosecution by allowing the prime minister to postpone any trial for up to 18 months. The court had overturned a different law in 2009 that granted Berlusconi protection from prosecution while he remained in office. The 2011 ruling paved the way for a number of court cases against him to proceed, including a tax fraud case involving Mediaset.

In October 2011, the lower house of Parliament resumed discussion of a bill that would limit the media's use of wiretaps and force websites to publish corrections automatically. The legislation prescribes heavy fines and up to 30 days in jail for journalists who publish content from law enforcement agencies' wiretap recordings before the implicated defendant goes to trial. The bill was seen primarily as an effort to keep embarrassing information about politicians out of the news, and it was opposed by all of the major newspapers in Italy. Protesters mounted a demonstration against the measure in October, and the Italian site of the online encyclopedia Wikipedia temporarily hid all its pages. The bill had not yet passed by year's end.

Defamation is a criminal offense, punishable by fines and imprisonment. In May 2011, the lead prosecutor in the controversial murder trial of U.S. citizen Amanda Knox filed defamation charges against blogger Frank Sfarzo, who had been covering the case since it began in 2007. The prosecutor had a history of antagonistic behavior toward the press, and other journalists complained of harassment by the local authorities for their coverage of the trial. Separately, in September, two journalists were sentenced to one year in prison and fined €12,000 (\$14,600) for an article that investigated a dispute between the mayor of a small town in the south and an entrepreneur. The director of the paper was similarly jailed and fined. Civil libel cases against journalists are also common in Italy.

When Berlusconi was prime minister, political interference at the state broadcaster, RAI, was a key issue of concern, as Parliament has direct control over the appointment of most directors and a number of key journalists at the outlet. On two occasions in early 2011, Berlusconi called in to a political talk show on the state-owned network to complain that the program was biased

## 2012 SCORES

### PRESS STATUS

**Partly Free**

### PRESS FREEDOM SCORE

**33**

### LEGAL ENVIRONMENT

**12**

### POLITICAL ENVIRONMENT

**12**

### ECONOMIC ENVIRONMENT

**9**

and did not give equal time to center-right candidates. There have been instances in the past in which RAI journalists seen as critical of the government were removed from their positions, and RAI channels have been barred from airing political discussions prior to elections.

Journalists occasionally face physical threats or attacks from organized crime networks and other political or social groups. Several journalists live under police protection due to their writing on organized crime, including Roberto Saviano, who wrote the best-selling book *Gomorra* about the Neapolitan mafia.

While the print sector is more diverse in both ownership and content, most Italians receive news and information through the broadcast media. There are several newspapers and news magazines, most of them with regional bases. Newspapers are primarily run by political parties or owned by large media groups, but 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 departure from office late in 2011 helped to reduce this concentration in de facto terms; when in power, he had indirect control over up to 90 percent of the country's broadcast media through the state-owned outlets and his own private media holdings. However, he continues to control a significant stake in the private media, as he is the main shareholder of Mediaset, which owns several television channels; the country's largest magazine publisher, Mondadori; and Publitalia, Italy's largest advertising company. Publitalia controls 65 percent of the television advertising market, giving Berlusconi's channels an advantage in attracting ads. In addition, one of the country's major nationwide daily newspapers, *Il Giornale*, is owned by Berlusconi's brother.

Approximately 57 percent of the population accessed the internet regularly in 2011, and blogs and social media have played a growing role in political debates and news dissemination. Although the internet is generally unrestricted, the government regulates certain websites, especially those offering gambling or child pornography. Italy's telecommunications agency, AGCOM, was in the process in 2011 of reviewing a proposal that would give it more power to block and remove websites determined to have violated copyright laws. The plan was criticized for infringing on the freedom to receive and provide information; critics also raised the possibility that internet operators would practice preventive self-censorship. 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 after allegedly failing to promptly remove an objectionable clip posted on Google's YouTube video-sharing site in 2006. Despite this conviction, proposals to make websites responsible for prescreening data posted by users were for the most part abandoned by the end of 2010.

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