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The State of the Media in Italy: A European Problem

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With the collaboration of
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“In Italy, a more or less sophisticated process of media manipulation risks depriving citizens of the means to form a reasoned opinion on and check the actions of those in power.”

THE STATE OF THE MEDIA IN ITALY: A EUROPEAN PROBLEM

The circumstances of lack of media pluralism and evidence of media intimidation in Italy collectively constitute a breach of the fundamental values of the European Union. This report presents these facts collected from independent reports, and argues that a European reponse is necessary to a situation which sets a dangerous precedent for media freedom both inside and outside the Union.



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“The head of the Government is taking political advantage of his control over both RAI and Mediaset in order to influence public opinion and the electorate.”

VIOLATION OF MEDIA FREEDOM IN ITALY IS A EUROPEAN PROBLEM DEMANDING A EUROPEAN RESPONSE

Italy is the only Western democracy where the prime minister exercises direct control over three television channels he owns and indirect control over three public channels, as well as owning several newspapers, magazines, radio stations, and the largest publishing house in the country. The Prime Minister has recently sued several European newspapers from Italy, France, and Spain.

In this dossier we present the problem in Italy with regards to the media in two dimensions:

- the lack of pluralism
- continued intimidation of the press.

We quote independent reports on the media situation to build up a picture of pressure on those working in the media, and a lack of freedom of expression, of receiving and imparting information and ideas and a threat to media pluralism. Collectively these circumstances constitute a breach of Article 11 of the Charter on Fundamental Rights of the European Union and the

values of the European Union as enshrined in the Treaties.

The Council of Europe recognized that “the concentration of political, commercial and media power in Italy in the hands of one person, Prime Minister Silvio Berlusconi, is recognized as an anomaly across the political spectrum”¹. Evidence in this report shows that over the years the situation has only deteriorated.

It is argued that lack of a European response to the anomalous situation of the media in Italy:

- risks posing a direct threat to the right of liberty of expression throughout the European Union,
- risks putting in jeopardy progress in former Eastern Bloc countries admitted into the Union with regards to the independence of the press,
- risks limiting the authority of any European condemnation of censorship in the rest of the world.

THE CONFLICT OF INTEREST, A THREAT TO MEDIA PLURALISM

The media influence exercised by Berlusconi has been described in a UN report by Amley Ligabo, in which the conflict of interest is isolated both in the political and advertising sectors. In the report, the prime minister's direct control of the three private channels Mediaset, of the publishing house Mondadori, of the advertising company Publitalia, and of the cinema distribution house Medusa Film, on top of indirect control of state television channels through political appointments, places the Italian prime minister in an anomalous position of control over nearly 90% of Italy's television market².

The OSCE has repeatedly condemned the concentration of so many Italian news media in the prime minister's hands. The OSCE says it is both a "challenge to the European constitutional architecture" and "a bad example for the new democracies in transition"³.

The Council of Europe's parliamentary assembly holds that "the potential conflict of interest between the holding of political office by Mr. Berlusconi and his private economic and media interests is a threat to media pluralism"⁴. In the report of the Venice Commission it is stated that: "For as long

as the present government stays in office, this will mean that, in addition to being in control of its own three national television channels, the Prime Minister will have some control of the three public national television channels. The Commission expresses concern over the risk that this atypical situation may even strengthen the threat of monopolisation, which might constitute, in terms of the case-law of the European Court of Human Rights, an unjustified interference with freedom of expression..."⁵

In a document titled "Civil and political rights, including the question of freedom of expression", the UN Commission on Human Rights states that: "The Special Rapporteur is concerned that the concentration of private media in the hands of the President of the Council of Ministers and his influence over the public media create an environment that is conducive to a climate of intimidation in which public administrators might exercise censorship, seriously limiting freedom of opinion and expression in the country. The Special Rapporteur also draws the attention of the Italian authorities to the fact that such a climate could lead to a situation of self-censorship where people, in particular

“The concentration of so many Italian news media in the prime minister’s hands is both a challenge to the European constitutional architecture and a bad example for the new democracies in transition”

– *The Organisation for Security and Co-operation in Europe (OSCE)*



journalists, refrain “voluntarily” from making statements that may be construed as critical of the authorities. It is therefore necessary to create an environment of professionalism and independence within the media sector where media professionals can work without undue influence of the State”.⁶

“Berlusconi encouraged companies not to advertise in newspapers hostile to his positions.”

In the latest 2008 report on press freedom, the organisation Reporters Sans Frontieres states that: “In an anomalous situation within the European Union, the Italian prime minister, Silvio Berlusconi still controls the three channels of public RAI television as well as the leading privately owned radio and television group Mediaset, increasing political interference in their editorial lines and fostering self-censorship on the part of a section of the profession”⁷.

The Open Society Institute states that “The fact that the head of the Government has a substantial say in the management of State-owned RAI, heightens concerns that certain political decisions are dictated by a policy prone to favour Mediaset. At the same time, it seems clear that the head of the Government is taking political advantage of his control over both RAI and Mediaset in order to influence public opinion and the electorate”⁸.

In the last report on press freedom in 2009, Freedom House classifies Italy as only “partly free”, with a focus on the political

interference in the information system, the decrease of media pluralism, and the threat of mafia infiltrations. The decision is justified thus: “Berlusconi’s return to the premiership in May raised concerns about press freedom, as it left him in control of both state media and his own private media empire. Freedom of speech and the press is constitutionally guaranteed. However, Berlusconi’s return to power gave him the potential to control up to 90 percent of the country’s broadcast media, through the state-owned outlets and his own private media holdings.”⁹.

Two laws have recently attempted to govern the conflict of interest; the Gasparri law and the Frattini law. Both have been approved by the Berlusconi cabinet itself, and have been critiqued by the Council of Europe. Amongst the Council’s criticisms: “The Commission notes that the Frattini Law does not refer in general terms to situations in which public officials have personal or financial interests that would make it difficult for them to fulfill their duties with just the public interest in mind. It is also silent about conflicts of interest which may arise in connection with legislative measures affecting a specific category of individuals to which a government member



belongs or a category of business in which a government member has a proprietary interest” (...)¹⁰

The laws meant to govern the conflict of interest are themselves perceived as products of just that conflict.¹¹

Distortion of Advertising Market

The conflict of interest extends to the advertising market. The UN Commission on Human Rights presents the following situation: “In Italy, it seems that more than 60 per cent of advertising resources are allocated to the television broadcasting sector. The President of the Council of Ministers, via his advertising company Publitalia 80, which is part of the Mediaset group, controls around two thirds of the television advertising resources. The Special Rapporteur was informed that a number of large Italian companies have in past years transferred much of their advertising from the print media to Mediaset and from the public television to Mediaset”¹².

In June 2009, speaking in front of a congress of young industrialists, Berlusconi encouraged companies not to advertise in newspapers hostile to his positions, claiming these same papers are responsible for exaggerating the reach of the economic crisis in Italy.¹³ Aside from representing an anomalous interference by a head of state in the free market, the matter is complicated further by the conflict of interest, taking into account: a) the large advertising budget of ‘state’ companies, the directors of which are appointed by the Berlusconi cabinet and seek its goodwill; b) Berlusconi’s large commercial empire and its advertising budget; c) Berlusconi’s interests as editor of competing newspapers, radio, and television

stations, all seeking advertising revenue.¹⁴

Rai appointments

Whereas appointments in state television RAI should be decided by the Board of the organisation, where the political opposition is represented in minority position, the Prime Minister is accused of having heavily influenced the appointments of key posts in Spring 2009. The appointments followed a meeting at the Prime Minister’s private residence in Rome, Palazzo Grazioli, at which political leaders and official from the direct competitor Mediaset are believed to have participated.

The new appoints are heavily critiqued by several political figures.¹⁵ Over the course of the summer, the sex scandal surrounding Prime Minister Berlusconi has not been reported on the TGI, Rai’s and Italy’s most followed evening news programme. The new director of TGI, Augusto Minzolini, is considered by many a close ally of Prime Minister Silvio Berlusconi, whom he has repeatedly praised on his articles for La Stampa previous to becoming director of TGI. He was defined by Berlusconi’s own newspaper, Il Giornale, as Berlusconi’s “trusted interviewer”¹⁶.

Changes to TV programming

On September 15th, 2009, a special episode of Porta a Porta, a regular political programme run by Bruno Vespa, was moved to prime time to mark the handing of new houses to some of those left homeless by the earthquake in Abruzzo. Silvio Berlusconi was the only guest and protagonist. In order to give space to the programme, the management

of RAI has decided to postpone an episode of *Ballarò*, a weekly political programme meant to be taking place that night on Rai3, and generally not deemed close to the Berlusconi government¹⁷. Sergio Zavoli, president of the Supervisory Committee, has underlined the seriousness of the situation, with RAI changing its programming in order to maximise the impact of Berlusconi's TV presence.¹⁸

Even more serious is the fact that even Mediaset, RAI's competitor, decided to postpone the inaugural episode of *Matrix*, its own weekly political programme, which was meant to take place on the same evening on Canale 5. This

supports the allegations that RAI and Mediaset collaborate transversally when the interests of the Prime Minister are at stake.

This collaboration is well presented in a documentary presented at the 2009 Venice Film Festival, where the director Erik Gandini affirms that if the Italian Prime minister is hosted in a RAI programme, Mediaset attempts to lower its own audience share, to maximise the impact of Berlusconi's media appearance. Italian state TV is currently refusing to show a trailer for the film, stating it is 'offensive' to the Prime Minister's reputation.¹⁹

Editor of the *Osceola Sun* newspaper, ca.1918



ONGOING MEDIA INTIMIDATION

On 18th April 2002, during a state visit in Bulgaria, the prime minister Silvio Berlusconi made a statement soon renamed “The Bulgarian edict”, in which he stated that journalists Enzo Biagi and Michele Santoro, and comic Daniele Luttazi, made a “criminal” use of television and that “it is a precise duty of the new Rai management not to let this happen again”. As a result the three journalists and their television programmes are removed from Rai programming.

The matter has been amply discussed in Amley Ligabo’s 2005 UN report, which states that: “the concentration of media control in the hands of the President of the Council of Ministers has seriously affected freedom of opinion and expression in Italy, as shown by the several incidents in which media professionals were sacked or removed since the current Government took office”²⁰.

The same report considers another similar occasion of cancelled programming: “On 19 November 2003, the Administrative Board of RAI decided to cancel the RAI 3 satirical programme “RaiOt”, presented by Sabina Guzzanti. This decision came as a result of the broadcast on 16 November of an episode entitled “Armi di Distrazione di Massa” (“Weapons of Mass Distraction”), on

the issue of information in Italy.”²¹

The same problems emerged, more recently, in September 2009. Following the opening show of the weekly information programme Annozero, vice-minister of Communications Paolo Romani has indicated the will to open a procedure of the government against the programme Annozero. Politicians and newspapers loyal to the government have started a campaign inciting citizens not to pay the TV license fee, which funds Rai.²²

A similar situation has developed around another Rai programme, Parla con me, which on the 29th of September presented a piece of satire alluding to the presence of paid escorts in the prime minister’s roman residence, Palazzo Grazioli. The government, through vice-Minister Paolo Romani, stated the programme is incompatible with public broadcasting.²³

Already before starting, the programmes Annozero, Che tempo che fa, Report, and Parla con me, had been heavily critiqued and experienced protracted bureaucratic problems complicating the work of the editorial team. Contracts of guests, journalists, and comics have been delayed or suspended, and Report, a programme



“Partly Free”

– Freedom House

of inquisitive journalism, has suddenly been denied legal coverage by Rai for its investigations.

The action seems targeted specifically at those programmes regularly inviting guests opposed to the governing majority, and dedicated to investigative journalism in delicate political areas. Three out of four programmes are shown on Rai3, leading to claims that these actions are part of a strategy to “normalise” the channel, usually considered close to left-wing personalities.²⁴

Another case worth mentioning is the abrupt firing of one of the founders of TG5, the main news programme on Berlusconi’s Mediaset channels, following a series of contrasts related to his management of his weekly political programme, Matrix, shown on Canale 5. Several months before being fired, Enrico Mentana had already written a letter to Fedele Confalonieri where he stated: “I no longer feel at home in a group that seems an electoral committee and where everyone thinks in the same way, which is precisely why they have been put there in the first place”²⁵.

Following repeated criticism over Berlusconi’s personal life and his government’s approach to questions of migration by the newspaper of the Italian catholic bishops, Avvenire, Berlusconi’s own newspaper, Il Giornale, published an unsubstantiated report accusing the director of Avvenire of having threatened the wife of a man with whom he allegedly held sexual relations. The slander campaign has led to the resignation of the director of Avvenire, Dino Boffo.²⁶

Finally, the recent Law Alfano on phone tapping prohibits media organs to publish or discuss tapping collected during

investigations. The themes has raised the attention of Reporters Sans Frontieres and of the UNCI (Unione Nazionale Cronisti Italiani), which claims the law “endangers democratic liberties”²⁷.

Libel Suits

In a Western democracy it is impossible to directly close newspapers, but these can be discredited and their work complicated by a recurrent use of intimidations and legal suits. Karin Karlekar has justified the decision of Freedom House to lower Italy to the status of “partly free” country with the following declaration: “The causes of our decision are linked to the increase of appeals to tribunals and the suits for libel against the media...”²⁸

After a series of revelations about the relationship between Berlusconi and a number of escorts and showgirls, and the Prime Minister’s use of state flights to transport them to parties organised in his own private villas, Berlusconi has sued the Italian newspapers La Repubblica and L’Unita’, and the European newspapers El Pais and Le Nouvel Observateur, asking a total of over three million euros. He has threatened to sue The Times Newspaper of London.

The OSCE, through his responsible for media Mikolos Haraszti, finds that the suits are a threat to media liberty and has asked the Italian Prime Minister to withdraw them²⁹. The OSCE writes: “Constantly asking questions, even if biased, is an instrument of the corrective function of the media”³⁰

In this context, the European Commission, through its spokesperson Johannes

Laitenberger, has stated that: “Freedom of expression is a fundamental value of the European Union”³¹. Berlusconi has replied to this and other spokespersons’ statements regarding Italian migration policy by threatening to block the work of the European Council if spokespersons are not prohibited from making public statements.

Aidan White, secretary-general of the International and European Federation of Journalists, writes in a recent press statement that: “[Berlusconi] puts press

.....
“Constantly asking questions, even if biased, is an instrument of the corrective function of the media”

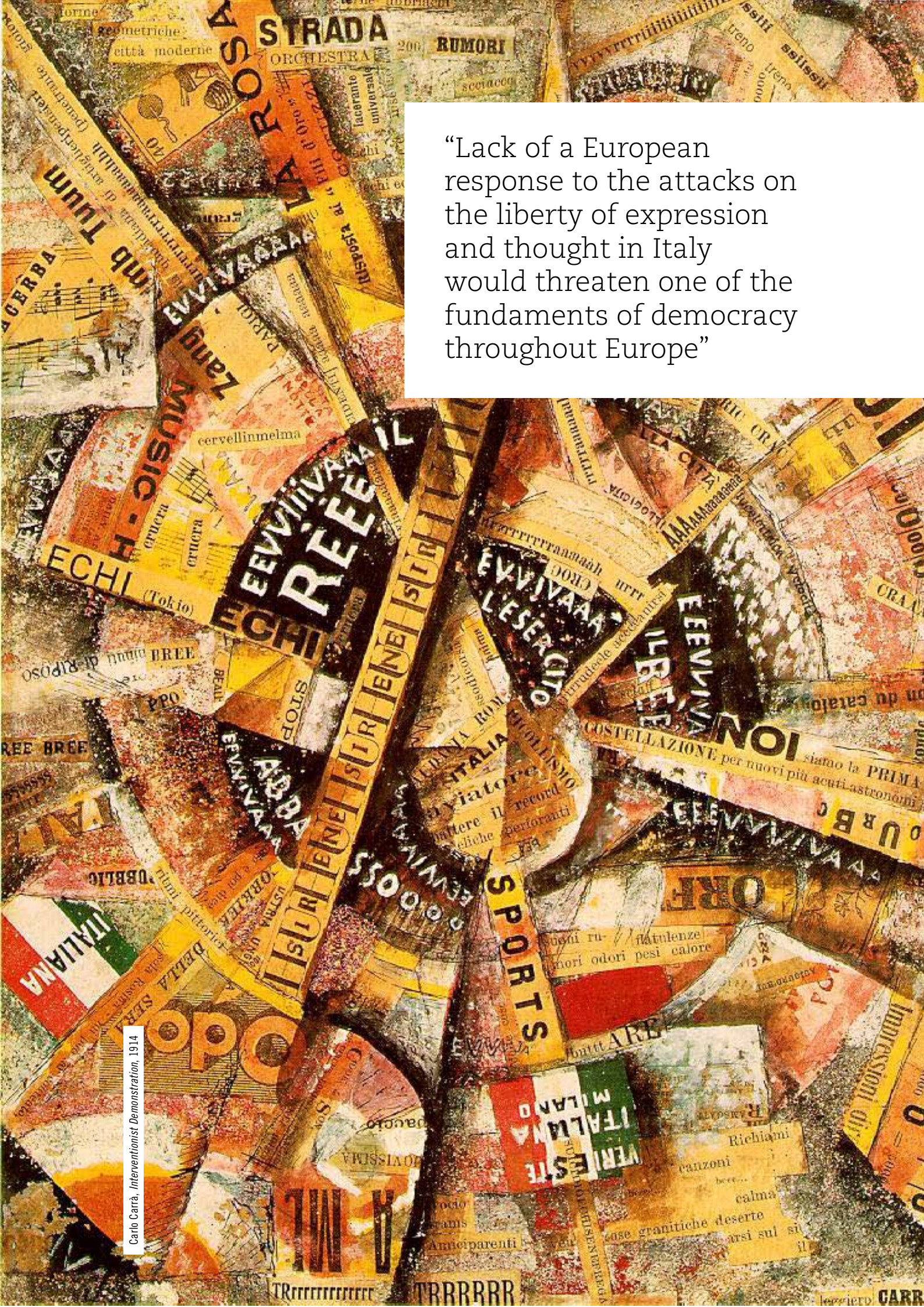
freedom at risk by trying to use the law to intimidate journalists and to stifle media reporting.”³²

The Agence France Press (AFP) has relaunched the statements of Reporters sans Frontieres, the European Federation of Journalists, and the Association of International Press, stating that: “For the first time in the history of the EU, a head of government, the Italian Silvio Berlusconi, has launched a virulent offensive against press liberty, carrying on or threatening legal actions against several Italian and foreign newspapers”³³.

In Italy, the FNSI, the National Federation of the Press, has called a demonstration on October 3rd 2009 in favour of press liberty and against perceived recent media

intimidations. The Federation calls the recent legal proceedings against L’Unita “an attempt to strangle a newspaper of the opposition”

A final example is the libel suit filed by the Minister for Equal Opportunities, Mara Carfagna. She has asked La Repubblica for damages of 900,000 euros for having reported a series of statements pronounced during a public event by comic actress Sabina Guzzanti, as well as for having reported news appeared in Le Nouvel Observateur. These same sentences were already reported by Il Foglio, a newspaper linked to the political area of the centre-right, but only La Repubblica has been sued³⁴.



“Lack of a European response to the attacks on the liberty of expression and thought in Italy would threaten one of the fundamentals of democracy throughout Europe”

Carlo Carrà, Interventionist Demonstration, 1914

EVALUATION AND CONCLUSION

In Italy, a more or less sophisticated process of media manipulation risks depriving citizens of the means to form a reasoned opinion on and check the actions of those in power. The legislation governing 'freedom of the press' remains intact and fully apt to a twenty-first century democracy. The problem lies in the application of such legislation, the acts of political intimidation and attempts at distortion of the advertising market, and a continuous contamination of the personnel of media organs with individuals loyal to current Prime Minister Berlusconi. In a country where television channels represent the only source of information for over 80% of the population, it is not necessary for those wishing to yield control over the media to resort to the draconian and totalitarian methods of the past. Manipulation of the principal, "mass" media of a country can today perfectly co-exist with the maintenance of dedicated 'indian reserves' of opposition, flag-bearers of a merely procedural freedom of expression.

The Italian example has consequences far beyond Italy. Lack of a European response to the attacks on the liberty of expression and thought in Italy would threaten one of the fundamentals of democracy throughout Europe. It puts in jeopardy progress made

in former Eastern bloc countries welcomed into the Union with regards to freedom of expression and of the press, and weakens any European condemnation of censorship or press intimidation on its borders and further abroad. In the context of what seem to be increasing attempts to limit the freedom of expression even in several Western countries which claim to be the homelands of liberty, the Italian example is potentially pernicious, and a Europe-wide response is demanded.

Footnotes

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Pablo Picasso, *Bottle of Vieux Marc, Glass, Guitar and Newspaper*, 1913

