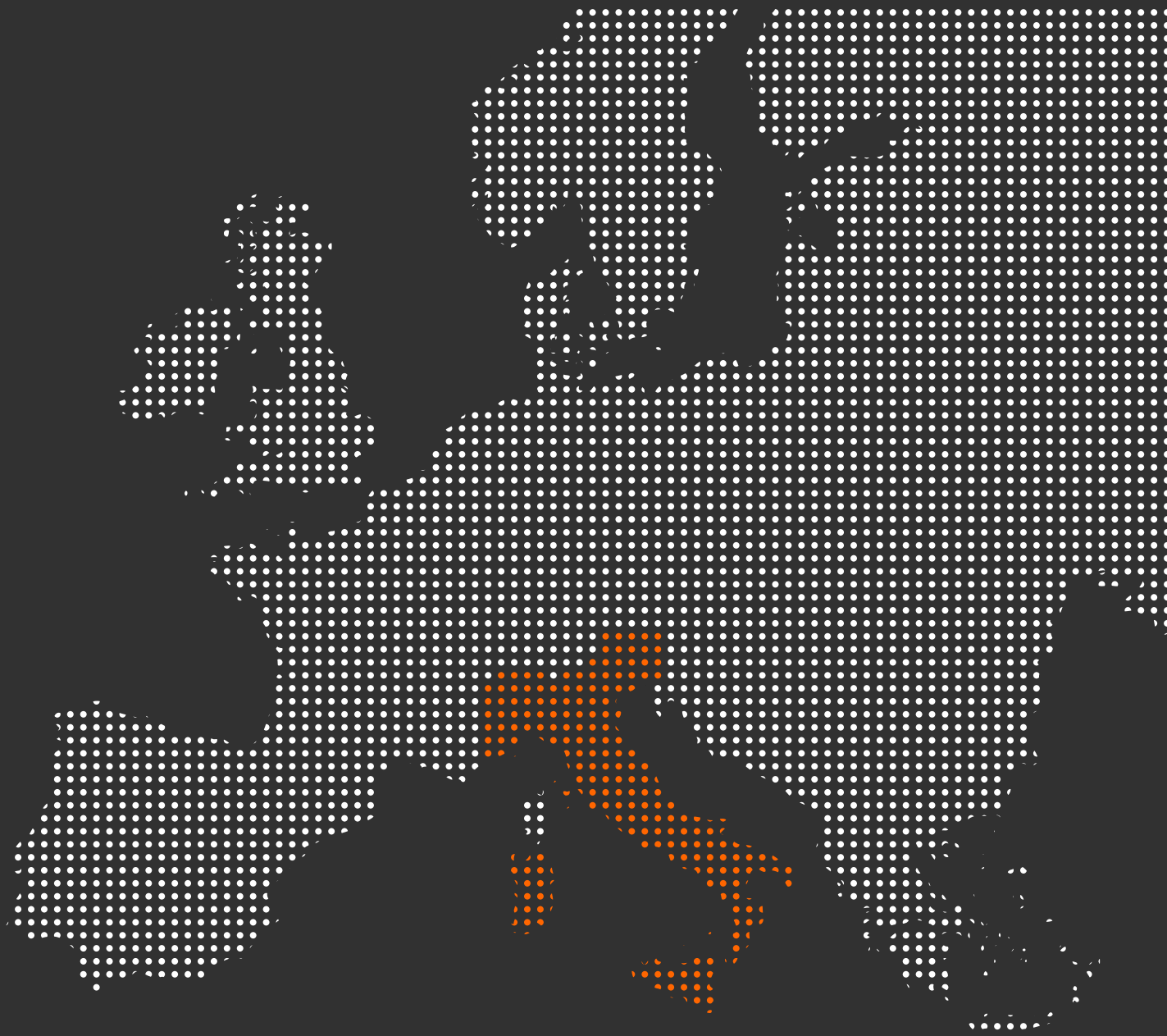


SILENCING THE FOURTH ESTATE: ITALY'S DEMOCRATIC DRIFT





Co-funded by
the European Union

This report was prepared by the partner organisations of the Media Freedom Rapid Response (MFRR). The mission was coordinated by the Osservatorio Balcani e Caucaso Transeuropa (OBCT) and the European Federation of Journalists (EFJ). Contributions for this report come from:

- ARTICLE 19 Europe
- European Centre for Press and Media Freedom (ECPMF)
- European Federation of Journalists (EFJ)
- International Press Institute (IPI)
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Introduction

Media freedom in Italy has been experiencing continuous deterioration in recent years. The lack of independence of public media and the systematic use of legal intimidation against media professionals by public officials have long characterised the relationship between the media and Italian politics. However, these dynamics have reached alarming levels over the past two years, as reported in the [EU 2024 Rule of Law Report](#), the [2024 Media Pluralism Monitor](#), 2024 [Liberties' Media Freedom Report](#), as well as the [2024 Index of Reporters Without Borders](#).

Italian stakeholders in their different capacities, [civil society organisations](#), the journalists' union, the [Italian National Press Federation](#) (*Federazione Nazionale Stampa Italiana – FNSI*), [Rai's journalists' union](#), which is part of the FNSI (*Unione Sindacale Giornalisti Rai – Usigrai*), as well as the [National Council of Journalists](#) (*Consiglio Nazionale Ordine dei Giornalisti*) have been vocal about the many ways in which a number of bills introduced by the Parliament and the ruling coalition have been eroding media freedom in the country. The country has featured repeatedly in Media Freedom Rapid Response (MFRR) advocacy endeavours over the past two years, calling on [both Italian](#) and [EU decision makers](#) to safeguard media freedom in Italy. A contraction of media freedom, journalists' freedom to conduct their job, and media pluralism violates the public's right to know enshrined in EU and international law as well as in Article 21 of the Italian Constitution. The growing focus by both domestic and international media organisations on the decline of media freedom in Italy has raised concerns in Brussels and beyond. However, the Italian government has yet to prove its commitment to tackling the issue.



MFRR delegation with Italian partners
Credits MFRR

Within a rapidly deteriorating context in the lead-up to the 2024 EU elections, the partner organisations of the Media Freedom Rapid Response (MFRR) organised an urgent mission to Rome, Italy on 16–17 May 2024. The mission was co-organised by Osservatorio Balcani Caucaso Transeuropa (OBCT) and the European Federation of Journalists (EFJ) and was joined by MFRR consortium partners: ARTICLE 19 Europe, the European Centre for Press and Media Freedom (ECPMF), and the International Press Institute (IPI). The mission represented a follow up to the [2022 MFRR mission to Italy](#) and stemmed from the MFRR's ongoing monitoring, advocacy, and support work to Italian media professionals. The MFRR's goal was to discuss their concerns

with Italian decision makers, to review the latest developments, and draft recommendations to be in line with EU and international standards. The mission aimed first to engage with state representatives, institutions, and political parties on three issues: political interference in public media; legal harassment of dissenting journalists; and the potential acquisition of AGI, one of the main news agencies in the country. The mission also met with leading journalists, trade unions, academics, and civil society actors to listen to their concerns on the subjects outlined above.

The MFRR requested meetings with official government and institutional representatives including with the Minister of Justice; the Deputy Minister of Justice; the State Under Secretary for News and Publishing; the Chairwoman of Senate's Justice Committee; Senators; and MPs from the ruling coalition. Regrettably, they were all unsuccessful.

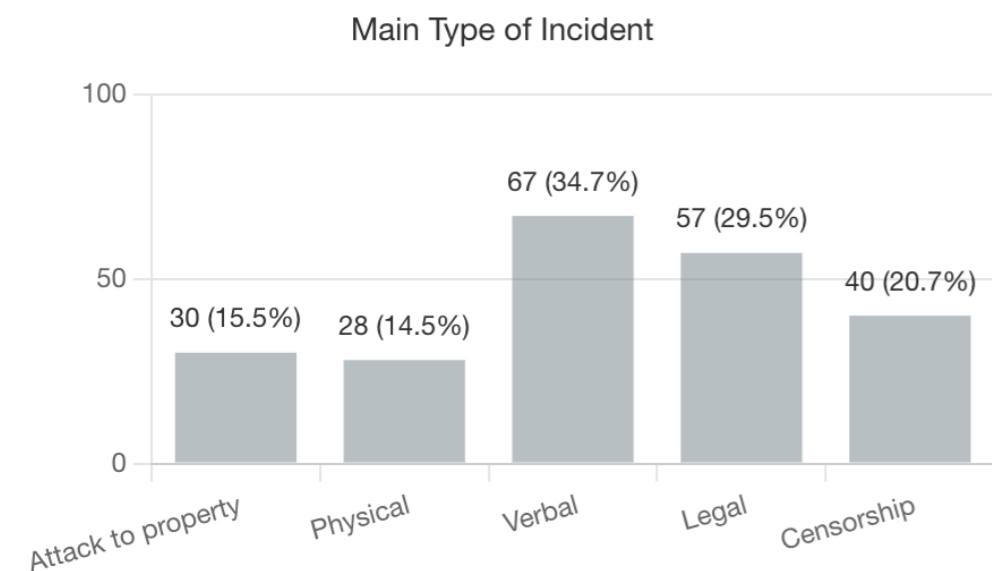
The mission met with opposition leaders: Senator Ilaria Cucchi, Vice President of the Justice Commission of the Italian Senate; Senator Barbara Florida, President of the Rai Oversight Parliamentary Committee; MP Valentina Grippo, Rapporteur on media freedom and safety of journalists for the Parliamentary Assembly to the Council of Europe. The mission also met Pierluigi Mazzella, Italian Government representative at the Steering Committee on Media and Information Society (CDMSI) of the Council of Europe and the board of the Italian Communications Regulatory Authority. Briefings were held with the European Union Delegation to Italy. On May 16, the mission joined the sit-in organised by [Usigrai in front of Radiotelevisione Italiana \(Rai\)'s headquarters](#), in a show of solidarity with the many journalists from the public service broadcaster demonstrating against political meddling in the public media. A press conference was held at the premises of the National Council of Journalists and a [press release](#) summarising initial findings was published.

This report reflects the findings of the meetings held during the mission and the MFRR's ongoing monitoring and offers a comprehensive analysis of the three most urgent issues identified by the delegation. It evaluates the impact of various measures and bills introduced by the actual government, in light of the latest EU provisions directed at ensuring the independence of public media, countering market concentration, addressing conflicts of interest, and equipping the judiciary to handle vexatious lawsuits, as outlined in the recently adopted European Media Freedom Act (EMFA) and the EU anti-SLAPP Directive. In providing these assessments, the MFRR consortium consistently references international and EU legal standards. The report includes a number of detailed recommendations for Italian institutional and governmental actors, outlining steps to counter the decline in media freedom and promote much needed reforms. The mission partners hope this will constructively contribute to the ongoing debate in Italy about the underlying factors of the media crisis.

Finally, the delegation acknowledges that the urgent nature of the mission prevented the delegation from addressing another serious threat to independent journalism: the safety of journalists. Acknowledging this gap, the consortium has scheduled a dedicated activity examining this theme in Naples in October 2024 and is committed to highlighting the specificities of the threats suffered by Italian journalists during the forthcoming MFRR Summit in Brussels in October 2024.

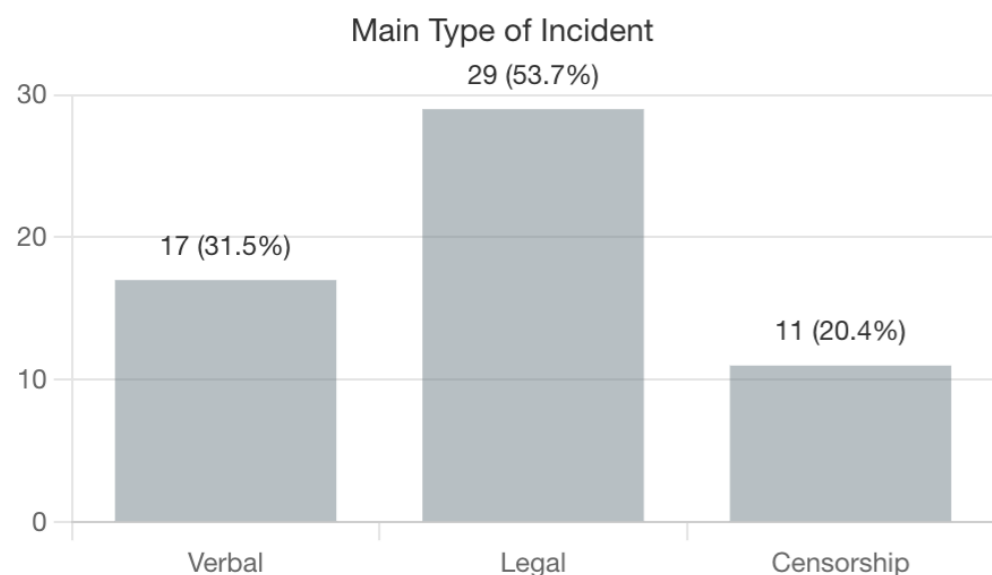
Mapping Media Freedom data on Italy

Since October 2022, the country has been governed by a far right coalition led by Fratelli D'Italia, and further composed by *Lega per Salvini Premier*, *Forza Italia*, and *Noi Moderati*. The main left wing opposition parties are *Partito Democratico* and *Alleanza Verdi e Sinistra*. The main centre opposition parties are *Azione* and *Italia Viva*. *Movimento 5 Stelle* makes up the remainder of the opposition.



Mapping Media Freedom alerts between 2022-10-06 and 2024-06-29 based on the documentation status of 2024-07-22T09:51 UTC. Filtered by Countries: Italy. One incident and thus alert can include multiple types of attacks (e.g. verbal and physical attack performed within the same incident) with more than one journalist or media actor being attacked and being performed by more than one type of actor. Especially legal incidents where journalists or outlets receive multiple related or similar legal threats, are currently recorded as one alert.

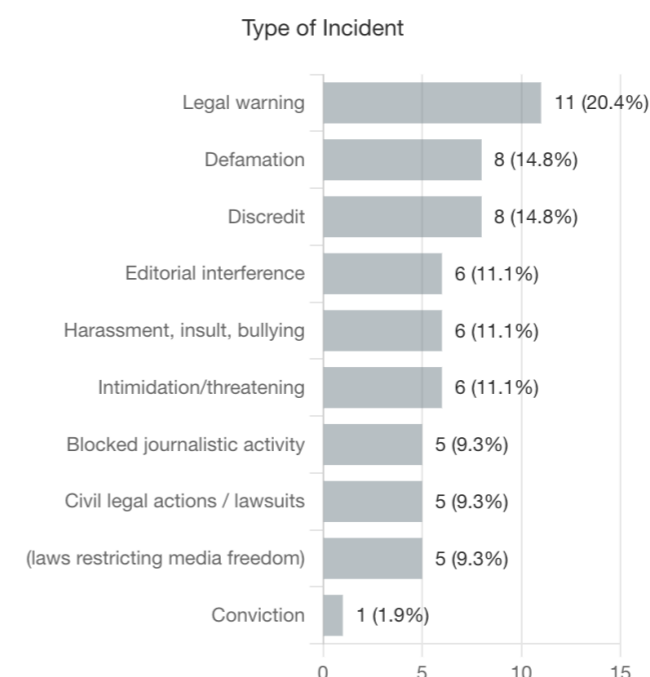
Over the period of October 2022 - June 2024, Mapping Media Freedom (MMF), the monitoring tool of the Media Freedom Rapid Response, registered [193 alerts](#) related to Italy. The consortium has registered a spike in the number of alerts over this timespan, as opposed to the previous 22 months, when the [MMF had registered 75 alerts](#). In 54 cases out of the 193 alerts recorded between 2022 and 2024, the source of the incidents were [identified as government or public officials](#).



Mapping Media Freedom alerts between 2022-10-27 and 2024-06-28 based on the documentation status of 2024-07-22T09:47 UTC. Filtered by Countries: Italy, Source of incident: Legislation: government/public official(s). One incident and thus alert can include multiple types of attacks (e.g. verbal and physical attack performed within the same incident) with more than one journalist or media actor being attacked and being performed by more than one type of actor. Especially legal incidents where journalists or outlets receive multiple related or similar legal threats, are currently recorded as one alert.

The data indicates that legal incidents (53.7%) are the most common media freedom violations related to public officials, followed by verbal harassment (31.5%), and censorship attempts (20.4%). Among the many legal incidents registered, the [conviction for criminal defamation of Italian writer Roberto Saviano](#) last October in a lawsuit initiated by Giorgia Meloni stands out as a prominent case.

The wave of attacks targeting Domani and Report is also alarming. Italian media outlet [Domani faced a range of attacks](#), including legal warnings, formalised lawsuits, [verbal assaults](#), and alleged attempts to [compromise the confidentiality of their journalistic sources](#). In most cases, these incidents have been traced back to public officials. Similarly, Sigfrido Ranucci, along with his team on Rai's leading investigative show Report, has repeatedly been targeted by [media freedom violations initiated by public officials](#). The MMFR has documented alerts concerning various forms of legal intimidation directed at Report by prominent government members and [Meloni's party, Brothers of Italy](#); [unwarranted political pressure](#) on Report's editorial independence; and [verbal harassment](#) aimed at its journalists. Equally disturbing is the choice of the Prime Minister to publicly condemn the [Fanpage investigative team](#) who had exposed the fascist, racist, and antisemitic references of some members of Gioventù Nazionale, the youth wing of leading coalition party Fratelli d'Italia.



Mapping Media Freedom alerts between 2022-10-27 and 2024-06-28 based on the documentation status of 2024-07-22T09:47 UTC. Filtered by Countries: Italy, Source of incident: Legislation: government/public official(s). One incident and thus alert can include multiple types of attacks (e.g. verbal and physical attack performed within the same incident) with more than one journalist or media actor being attacked and being performed by more than one type of actor. Especially legal incidents where journalists or outlets receive multiple related or similar legal threats, are currently recorded as one alert.

Public condemnations of journalists are often used to attack media professionals who are critical of the government. These incidents risk establishing a dangerous precedent in the already strained relationship between the media and political actors. They also legitimise attacks on media professionals, setting a troubling example for lower-level public officials, both in terms of [vexatious lawsuits](#) and [other forms of harassment](#).

In fact, the trends examined in this report, i.e. political interference over Rai, Strategic Lawsuits Against Public Participation (SLAPPs), and conflict of interest – occurred against a backdrop of many forms of attacks on media professionals by members of the ruling coalition, which when combined constitute an alarming signal of intolerance toward dissenting views. While the main source of physical aggressions against journalists can be ascribed to [private individuals \(92.9%\)](#), [public officials account for 25.4% of the registered verbal attacks against media](#).

Against the backdrop of the 2024 EU electoral campaign, critical journalists and intellectuals have been the target of a social media denigration at the hands of the ruling party, *Fratelli d'Italia*. Such is the case of *La7* journalists Lilli Gruber, Corrado Formigli, and Enrico Mentana; *La Repubblica's* newsroom; *Nove Tv* anchorman Fabio Fazio; as well as Italian intellectuals such as Roberto Saviano and Antonio Scurati, whose faces appeared on *Fratelli d'Italia* specifically designed social media memes meant to appeal to the the ruling party electorate. The bottom line of the cards read: ["if you vote for Giorgia \[Meloni\] they will be upset"](#).

The overall attitude of the members of the ruling coalition towards media professionals testifies a drift which fails to take into consideration the public interest and pluralism and a lack of consideration for the Case Law of the Court of Strasbourg and its interpretation of Article 10 of the European Convention on Human Rights (ECHR). As expressed by the Court, there is a strict connection between pluralism on the one side and media and democracy on the other side: there can be no democracy without pluralism. "Democracy thrives on freedom of expression. It is of the essence of democracy to allow diverse political programmes to be proposed and debated, even those that call into question the way a State is currently organised, provided that they do not harm democracy itself".

Key Findings

Since the far-right coalition government led by Giorgia Meloni took office in October 2022, media freedom in Italy has been under increased pressure, with unprecedented attacks and violations of press and media freedom often initiated by public officials in the attempt to marginalise and silence critical voices.

On 16-17 May 2024, an MFRR delegation visited Rome with the aim to discuss media freedom-related issues with key stakeholders, including institutional representatives, trade unions, journalists' associations, and civil society organisations. Despite the fact that numerous meeting requests were sent to different politicians and members of the ruling coalition, regrettably, all requests went unanswered. For the MFRR delegation, such refusals illustrate the government's lack of willingness to engage in constructive discussions on key media-related developments which ultimately impact the quality of Italian democracy.

Media capture remains one of the most urgent challenges affecting the Italian media landscape. While a certain degree of politicisation has always characterised Rai, the **Italian public service broadcaster**, in the past two years this trend has reached an unprecedented level, resulting in extraordinary pressure and increasing cases of self-censorship. Contrary to the newly adopted European Media Freedom Act (EMFA), the current law regulating the public service allows for continuous and undue political meddling into the governance of the public broadcaster. Coupled with inadequate and unsustainable finances, this situation not only poses a serious threat to the independence of the public service, but also jeopardises citizens' right to free and impartial information. In the run-up to the European elections in June 2024, the review of the so-called **par condicio regulation** to the benefit of the majority parties further exacerbated the capture of the public service by the ruling coalition, raising concerns about unmediated political propaganda on public broadcasts. Adding to an already worrisome situation, the **potential sale of AGI** – one of the main news agency of the country – to a group owned by a politician of the Lega party represents yet another example of indirect political capture as well as a clear case of conflict of interests that would negatively affect an already fragile media market.

Legal threats are another unsettling means often used by public officials and members of the ruling coalition to silence independent and critical voices. The increase in the number of vexatious lawsuits, which exploit both civil and criminal defamation laws, highlights both the urgent need for a timely and adequate transposition of the newly adopted anti-SLAPP directive and a comprehensive reform of the defamation regime that goes beyond the proposed Balboni Bill, whose provisions contravene international standards on freedom of expression.

All together, these elements point to a heavy intolerance of the ruling coalition to any form of media criticism or opposition, resulting in a broad contraction of freedom of expression and a consequent weakening of the democratic quality of the country.

Media Capture

Public Service Media – Radiotelevisione Italiana (Rai)

New CEO and increased attacks on editorial independence

Since Giorgia Meloni took office as Prime Minister of Italy on 22 October 2022, the country's public service broadcaster Rai has been facing an unprecedented level of political interference. The public media's politicisation – known as *lottizzazione* – is *old news*, but discussions with Rai journalists, Usigrai union leaders, and media experts during the MFRR mission in May reveal an extraordinary level of pressure and self-censorship. Reflecting these concerns, the 2024 Media Pluralism Monitor places Italy among countries where public service media independence is most threatened, with Rai's governance and funding subject to political influence.

“The intrusion of politics has become so strong that we see a constant interference in editorial content leading journalists or programme makers to either leave Rai or self-censor themselves,” said **Valentina Grippo**, Rapporteur on media freedom and safety of journalists for the Parliamentary Assembly to the Council of Europe and MP of opposition party Azione, to the MFRR consortium.

The Italian government owns almost 100 percent of Rai shares through the Ministry of Economy and Finances. In the spring of 2023, Meloni's government implemented management changes leading to the *resignation of Rai's then-CEO Carlo Fuortes on 8 May*. Although Rai is a joint-stock company (società per azioni), the Audiovisual Services Consolidated Act (testo unico dei servizi audiovisivi, or *decree No. 208/2021*) regulates the *procedures for appointing top management*, who serve a three-year term. Since the current board of directors was established by the Draghi government in 2021, their mandate expires in July 2024. Meloni's government however managed to change the CEO before the term, which would have required either revoking him or, more precisely, convincing him to resign.

Following Fuortes' departure, on 15 May 2023 the Rai shareholders' meeting designated a freshly appointed board member, Roberto Sergio, as Chief Executive Officer. The new CEO entrusted Giampaolo Rossi – known for his *affinity with the far right* and for *controversial public stances* – with the role of Corporate General Manager.

Such political appointments set a worrisome precedent for two reasons. Firstly, the Rai CEO resigned *one year prior to his term's conclusion*, just a few weeks before the yearly expiration of a number of Rai's tv show contracts. Secondly, the newly appointed CEO, Roberto Sergio, swiftly invoked *“a new storytelling”*, arguably in line with the ruling coalition's agenda, which had immediate consequences on Rai's programming. Subsequently, five out of the eight Rai channels' editors-in-chief were replaced. The Rai journalists' union Usigrai saw these appointments as an *“occupation of the public service”* by the government.

Although Rai has *denied any censorship*, a few notable incidents since its new appointments include: the *summoning of Sigfrido Ranucci* – anchorman of Rai's investigative programme Report – by the Rai Oversight Parliamentary Committee in November 2023¹, as a response to Ranucci's investigations of prominent political figures (many of which have sued the journalist for defamation); the *cancellation of Roberto Saviano's anti-mafia programme Insider – Faccia a faccia con il crimine*, now *rescheduled* for September 2024; the *quitting wave of several well-established Rai presenters*; the *cancellation of Antonio Scurati's antifascist monologue* in April 2024 on *editorial grounds*; followed by the *disciplinary case against Serena Bortone*, host

¹ The Rai Oversight Parliamentary Committee (Commissione parlamentare per l'indirizzo generale e la vigilanza dei servizi radiotelevisivi) consists of 20 senators and 20 MPs nominated proportionally by the presidents of the two parliamentary chambers. Typically, the committee is chaired by a representative from an opposition party. Its main responsibilities include guiding and supervising the effective and correct implementation of all public media duties.

of the show during which the speech was to be performed. Glaring omissions in news reporting and reshuffling of the news' priorities have been denounced as a controlling tool wielded by the management over the editorial independence of Rai's newsrooms, particularly at the expense of the flagship channel, Rainews24. Such practices have been denounced by both [senior Rai journalists](#) and [Usigrai secretary, Daniele Macheda](#).

On 6 May 2024, Rai's journalists expressed their frustrations calling for a 24-hour [strike](#) led by Usigrai, whose leadership voiced their concerns over "the suffocating control over journalistic work, with the attempt to reduce Rai to a government megaphone, the absence from the industrial plan of a project for Rai information, the staff shortages in all the editorial offices, the company's rejection of a public selection process for journalists". The union, which has existed since 1984, had a 75% majority joining the strike. The Rome labour court recognised [on 12 July](#) that anti-union behaviour was carried out by Rai on May 6. In the rush to actively boycott the strike of the large majority of Rai journalists, the union's recourse to labour justice has in fact confirmed several violations against the striking journalists. Rai management was therefore ordered to publish the sentence for two consecutive days in the newspapers *La Stampa*, *La Repubblica*, and *Corriere della Sera* (paper and online editions) and on the websites Rai.it and Rainews.it.

During the MFRR mission on 16 May, the consortium took part in a Speakers' Corner in front of the Rai headquarters organised by Usigrai. It was an opportunity to listen to different voices from Usigrai, the FNSI, other trade unions, university students, journalists from print and other media, cultural organisations, and civil society. The consortium was able to listen to how the information and cultural sector in Italy is under unprecedented political pressure and how journalists and personalities from film and culture are increasingly victims of politically motivated smear campaigns.



Renate Schroeder, EFJ Director, presenting the MFRR mission on the stage of the Usigrai sit in in Rome, May 2024
Credits MFRR

November's creation of Unirai, a new right-wing labour organisation closely related to the current government, is worth mentioning. Its General Secretary, Francesco Palese, has clear and recognized [political ties to Prime Minister Meloni](#). Just four months later, Rai management surprisingly quickly accepted the new union as a legitimate interlocutor, a move that [deepened the rift](#) within Rai journalists' representative bodies and [weakened Usigrai's bargaining power](#).

The planned [renewal of Rai's board of directors](#) (*Consiglio di Amministrazione*), which according to the out-

lined [roadmap](#) was supposed to be finalised before the European elections on 8-9 June 2024, is currently [on hold](#).

Rai governance and funding

The Italian broadcasting service's governance is heavily affected by Rai's board appointment mechanism, regulated by the so-called Gasparri Bill [111/2004](#) and amended by [law 220/2015](#), known as the Renzi Bill. Out of a total of seven board members, two are elected by the government, two each by the Italian Chamber of Deputies and Senate, and one by Rai employees. The resulting board is heavily influenced by the political majority, illustrating its lack of independence from political influence. The Gasparri Bill had established a board of directors of nine members, seven of which were appointed by Italy's two chambers and two by the government. A key difference between these appointing mechanisms lies in the [powers](#) granted to the CEO, who is considered to be much more influential as a consequence of the Renzi reform. Under the Gasparri law, this role was [appointed by the board](#) instead of being chosen by the government. In addition, today the CEO has increased expenditure freedom.

The government's budget allocations significantly impact Rai's operations. Currently, Rai is funded by citizens through a licence fee plus advertisement revenues. In October 2023, Giorgia Meloni's coalition partner, Lega's leader Matteo Salvini, succeeded in changing the proportion of the public broadcaster's licence fee (canone Rai) to general taxation for taxpayers. Such a provision, [introduced](#) into Italy's recently approved [budget law](#), gives greater leeway to the government, which can expand or reduce the funds allocated to the public media as it pleases. This situation threatens Rai's financial autonomy.

Rai and the European Media Freedom Act

The Italian law regulating Rai's board election is fundamentally contrary to the newly adopted European Media Freedom Act (EMFA – Regulation EU 2024/1083, adopted on 7 May 2024 and to be enforced at national level by August 2025). The EMFA aims to safeguard the independence of public service media providers from undue political influence. Article 5.1 declares that "Member States shall ensure that public service media providers are editorially and functionally independent. Article 5.2 states that "the head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law". Though the Italian law regulating the matter (specifically, Article 63 of decree 208/2021) requires candidates vying for Rai appointments to undergo a "selection procedure", this is rarely executed and is notably absent from the latest [notice of candidacy](#) issued by the Chamber of Deputies and the Senate.

According to the Communications Regulatory Authority², the national media authority with whom the MFRR consortium met, the national authority responsible for Article 5 on public service media and Article 6 on transparency of media ownership and editorial independence has not yet been identified. Currently, Rai governance does not fall under the mandate of the Italian national media authority. This will not happen before 2025. Audience measurement and media concentration will go to the newly established board, said **Giacomo Lasorella**, President of the Communications Regulatory Authority and at the moment also of the European Regulations Group for Audiovisual Media Services (ERGA).

With reference to the EMFA Regulation, on 3 May 2024 [two appeals were filed](#) with the Regional Adminis-

² **Communications Regulatory Authority** (*Autorità per le Garanzie nelle Comunicazioni - Agcom*): Italy's national regulatory agency for the communication industries, including broadcasting, publishing, telecommunication, and mailing services. Agcom ensures fair market competition, protects pluralism and fundamental freedoms, and has both controlling and sanctioning powers. It also oversees public media services and can address Rai's failure to implement guidelines from the Rai Oversight Parliamentary Committee.

trative Court of Latium (TAR), aiming to halt the current procedure for appointing the new board of directors of Rai. The initiative, [led by the association Articolo 21](#), trade unions Slc-Cgil, Usigrai, and associations *Rete No Bavaglio*, *Infocivica*, and *TvMediaWeb*, was presented to the Italian Parliament. Former Rai executives and candidates for the new board, Patrizio Rossano, Nino Rizzo Nervo, and Stefano Rolando, along with lawyers Giovanni Pravisani and Giulio Enea Vigevani, are among those who filed the appeals together with Roberto Zaccaria (former Rai President), the initiative's guarantor. The MFRR consortium discussed these developments during an informal meeting with civil society.

- A first appeal has been filed against the current selection criteria for the Rai board on the basis that such a procedure violates the above-mentioned Article 5 of the European Media Freedom Act, lacking the transparency and non-discrimination safeguards required by the Regulation. Although some of its parts do require intervention by national legislators, giving them 15 months to act, the petitioners believe that the principle of independence enshrined in the Regulation could already be considered in force, since it is contained in other European norms. As the Regional Court has [scheduled a public hearing](#) for 23 October 2024, recognising the appeal's relevance, the petitioners also filed an additional [appeal to the State Council](#). Their [hope](#) is that the doubts raised by the TAR about the legitimacy of the current appointment procedures will prompt the legislative bodies to keep them on hold until then.
- The second appeal raises concerns about the candidates' independence from the executive power, aiming to refer the matter to the Constitutional Court, due to alleged constitutional inconsistencies within Article 63 of law 208/2021. The petitioners also request a referral to the European Court of Justice, in order to assess the Italian law's legitimacy in light of the European Regulation.

This initiative [is gaining institutional support](#). During the meeting with the MFRR delegation, the President of the Rai Oversight Parliamentary Committee, **Senator Barbara Floridia** (5 Stars Movement), [emphasised](#) the importance of considering the upcoming ruling by the State Council, criticising the current law for contradicting the principles of the European Media Freedom Act and calling for urgent governance reform. Barbara Floridia said that the Commission will organise several hearings on the state of the information sector to prepare a new media law in line with the European Media Freedom Act that guarantees political independence of Rai and reforms the Renzi Bill. She intends to promote a national convention (*Stati Generali*) which would provide an ideal forum for representatives from all political parties and a wide range of professional stakeholders including experts of the digital media environment and citizens to hold discussions on how to reform Rai governance and funding mechanisms. Senator Floridia believes that the application of the EMFA will allow for the reformation of the Renzi law and the removal of the politicised board. Otherwise, she said, Italy would risk infringement procedures from the European Commission.

On 20 June 2024, responding to a [question](#) by former MEP Massimiliano Smeriglio about the Scurati case, referencing to the "pervasive control system" through which the public service is being run, the EU Commission's Vice President Věra Jourová [indicated](#) that the Commission is monitoring the Rai situation as part of its annual [rule of law report](#). She underscored that the [2023 Rule of Law Report on Italy](#) already highlights the need for stronger safeguards for the editorial and financial independence of Rai. She also stressed that the EMFA includes provisions to strengthen the independence of public service media, prevent politicisation, and ensure financial resources for their public service mission.

Par condicio rules

On 9 April 2024, the Rai Oversight Parliamentary Committee approved [a resolution](#) regarding fair treatment provisions that public service news must adhere to during the elections campaign. Fair treatment rules rely on Italian *par condicio* law [No. 28/2000](#). Prior to each election, the Communications Regulatory Authority is responsible for setting the regulations that private TV and radio stations must adhere to in order to comply

with *par condicio*. Agcom also advanced the rules for the public service, which are subjected to the examination of the Rai Oversight Parliamentary Committee.

On April 12, the Communications Regulatory Authority [approved without amendments](#) the Rai Oversight Parliamentary Committee's resolution for private TV only – which now for the first time since the promulgation of *par condicio* law in 2000 had [different rules](#) than Rai. The government then [introduced amendments](#) to the Authority's proposal, with one specifically impacting RaiNews24, a channel which is part of the public broadcaster.

On April 14, ruling parties Brothers of Italy and Lega [pushed through](#) the so-called "Fazzolari decree" amendment to the *par condicio*, arguably [widening the government communication space](#) while restricting the opposition's. During the mission's meeting with the board of the Communications Regulatory Authority, **Commissioner Elisa Giomi** – the only Authority board member to vote against the regulator's approval of the Rai Oversight Parliamentary Committee's proposal – argued that the amendment introduced a double standard with obvious repercussions over the general public. The new regulation enabled, for instance, the full broadcast of the Prime Minister's speeches and those of other government leaders, preceded by a suitable identifier to differentiate them from regular news broadcasts.

According to the Communications Regulatory Authority, Commissioner Giomi the new *par condicio* regulation set "a dangerous precedent for editorial freedom, as it allows selective and potentially discriminatory screening of minority forces".

The RaiNews24 editorial board [opposed the changes](#), stating they effectively turn the channel into a government mouthpiece. These included:

- Revising the evaluation mechanism proposed by the Communications Regulatory Authority, which considers both the "quantitative" and "qualitative" aspects of political representatives' television appearances.
- Eliminating references to Auditel, the organisation that measures television ratings, and scrapping provisions that ensure different criteria for each broadcasting time slot.
- Furthermore, the centre-right parties favoured and achieved a balanced presence rather than equal representation, opposing Agcom's stance. Effectively, a nuanced language was adopted, which allows for members of the government to appear on screen also outside the time set by *par condicio* rules, since they would do so in their capacity of Italian institutions' representatives rather than as ruling coalition's ones. Dissenting Communications Regulatory Authority's Commissioner Giomi pointed out how it is basically impossible to draw a line between political and institutional communication, ultimately leading to a potential jeopardisation of *par condicio* provisions.

These amendments have also drawn [criticism from Usigrai](#), FNSI, and the [opposition](#), who all argue that such changes contradict the impartial role of journalism by granting more space to majority parties and facilitating unmediated political propaganda on public broadcasts. The European Commission has been urged by the European Green party to investigate alleged attempts by Italy's government to [turn Rai into a "megaphone"](#) for the ruling coalitions before the European elections.

On 28 April, Giorgia Meloni announced that she would be the lead candidate for Brothers of Italy in all electoral districts for the 2024 European elections, in a [Fdl national meeting](#) broadcasted in full by Rai. Commenting on this, MP Angelo Bonelli (Greens and Left Alliance) spoke up about the issue using the term "*TeleMeloni*" – which has become [recurrent](#) in the press to talk about the alleged ongoing media capture in Italy – and demanding "an intervention of the OSCE throughout the election campaign, so that the conditions of profound inequality in access to the media that censor the oppositions and favour the governing parties are verified".

News Agency AGI

The Italian media landscape is facing a further significant upheaval with the [potential sale](#) of news agency AGI to Lega MP Antonio Angelucci. As well as being a politician within the ruling coalition in Italy, Angelucci is also a [private healthcare entrepreneur](#) and media mogul who already owns several newspapers (*Libero*, *Il Tempo*, and *Il Giornale*). Such a sale would have broader implications on an already fragile [media pluralism](#) and ownership concentration environment in Italy, and would be another example of a clear conflict of interest of a politician owning media. [According to the Media Pluralism Monitor 2024](#), risks remain high despite Berlusconi's departure in 2023, with Italy being cited as one of the most striking cases of indirect political capture via ownership means in Western Europe.

Established in 1950, AGI is one of Italy's leading news agencies, with ownership held solely by the state-controlled multinational oil and gas energy company Eni [since 1965](#). For an Italian news agency to be privately-owned is not unusual: with the exception of the leading news agency, ANSA, all the others are privately owned. In the case of AGI, the government's [35 percent ownership](#) of Eni through the Ministry of Economy provides for a potential [conflict of interest](#) and vulnerability to government pressure. The current Minister, Giancarlo Giorgetti, is in fact – together with Angelucci – a prominent member of the Lega party.

Angelucci allegedly offered €40 million for AGI, prompting concerns about the agency's independence and the fate of its workforce. On 21 March 2024, Journalists [went on a 2-days strike](#) in protest. Historically speaking, and according to [AGI's journalists union representatives](#), under Eni's ownership the agency has been consistently functioning as a reputable news source, successfully balancing its journalistic integrity with its corporate affiliation.

Simultaneously, the news agency's editorial committee voted to express a [lack of confidence in director Rita Lofano](#) on 13 May, due to a perceived decline in the editorial environment and strained labour relations. According to the vote, 69,6% of AGI's newsroom seems to believe that a conflict of interest already exists, because of the close working relationship between AGI director Lofano and former director Mario Sechi, now editor-in-chief of *Libero* (which as mentioned, is one of Angelucci's newspapers) and former spokesman for Prime Minister Giorgia Meloni.

Opposition parties like *Partito Democratico* and *Movimento 5 Stelle* have [condemned](#) the potential sale. *Partito Democratico* brought the negotiation for the takeover before the [European institutions](#), also addressing [a letter](#) to the European Commission's Vice President Věra Jourová.

As [previously analysed](#) by the MFRR, if it comes into fruition, AGI's sale to Angelucci could set a dangerous precedent of yet another Berlusconi-like conflict of interest that could put other news agencies in the country at risk.

Legal Threats

Vexatious lawsuits and ongoing reform of defamation laws

From October 2022 to July 2024, the Mapping Media Freedom platform [registered 57 legal incidents](#) in Italy. In [29 cases](#), government and public officials constituted the source of the incident. The use of legal intimidations to silence investigative journalism and critical views constitutes an unsettling trend confirmed by previous [MFRR reports](#), the [2024 EU Rule of Law report](#), and the [2024 Media Pluralism Monitor](#). Beyond the analytical challenges posed by a lack of a database and the lack of a common definition of SLAPPs, the 2024 study of the [EU Parliament on the incidence of SLAPPs across the EU](#) identified Italy as the country with the highest number of cases among those examined.

In Italy, the overwhelming majority of vexatious lawsuits are facilitated by both civil and criminal defamation provisions. The phenomenon of SLAPPs is not new; Italian politicians, businessmen, and public figures have [a long-standing tradition](#) of using defamation laws to threaten and ultimately silence critical voices.

However, over the past two years, the number of legal intimidations initiated by public figures targeting critical voices of the government has significantly increased. Members of the current government have regularly resorted to defamation laws to silence opponents. Many legal warnings and lawsuits have been brought by the most prominent members of the Cabinet and their family members against journalists, media outlets, and writers, including:

- In 2023, started the trial initiated in 2018 by current minister of Transportation [Matteo Salvini against Roberto Saviano](#); the lawsuit for criminal defamation is still ongoing;
- In February 2023, Undersecretary at the Ministry of Labour [Claudio Durigon sued Domani](#). *Domani's* newsroom learned about the lawsuit when two police officers handed them a seizure order directed at one of Domani's articles. The lawsuit was dismissed by Rome's judge of preliminary investigations;
- In May 2023, [Minister of Enterprises and Made in Italy Adolfo Urso](#) announced he would sue *Report*;
- In June 2023, [Minister of Tourism Daniela Santanché](#) announced her intention to sue *Report*;
- In August 2023, Arianna Meloni, wife of Minister of Agriculture Francesco Lollobrigida and sister of the Prime Minister Giorgia Meloni, currently secretary of the political section of leading coalition party Fratelli d'Italia, filed a lawsuit against [Il Fatto Quotidiano satirical illustrator Mario Natangelo](#);
- In October 2023, [Senate President Ignazio La Russa](#) announced he would sue *Report*;
- In October 2023, Italian writer [Roberto Saviano was convicted for criminal defamation in a lawsuit initiated by Giorgia Meloni](#);
- In January 2024, [Minister of Economy Giancarlo Giorgetti](#) sued *Report*;
- In June 2024, Minister of Enterprises and Made in Italy Adolfo Urso filed a defamation lawsuits [against Il Foglio and Il Riformista](#);
- In June 2024, [Meloni's party Brothers of Italy sued Report](#);
- With a trial scheduled to start in September 2024, Giorgia Meloni [initiated a lawsuit against Domani](#) in October 2021. The lawsuit was subsequently withdrawn in July 2024.

During the mission, the MFRR delegation met with a diverse group of journalists, NGOs, and other public watchdogs to discuss cases of SLAPPs they have faced. A comprehensive list of stakeholders met during the mission can be found in the Annex. These discussions highlighted a pressing need for governmental action to prevent the misuse of legal systems and underscored the urgency for decision-makers to swiftly implement all standards adopted by the European Union and the Council of Europe aimed at combating and eliminating such abusive practices.

The Italian Parliament is currently examining the “Balboni Bill,” a proposed reform of defamation. This bill seeks to abolish prison sentences for journalists in cases of defamation through the press, as mandated by the Constitutional Court’s 2021 ruling. Instead, it proposes to increase fines, introduce additional penalties, and implement limited alternative measures to address defamation. The shortcomings of this reform, which contravene international standards on freedom of expression, were a key factor prompting the MFRR to undertake its fast-reaction advocacy mission in Rome. The MFRR delegation aimed to engage with government representatives to address the identified limitations of the proposal in relation to international and regional standards on freedom of expression. The MFRR also sought to discuss recent attempts to further weaken the already limited protections included in the bill. However, despite numerous communications and follow-up requests, no government representative agreed to meet with the MFRR delegation to discuss the ongoing defamation reform, a situation which the delegation deeply regrets.

The MFRR partners had the opportunity to discuss the matter with **Senator Ilaria Cucchi**, Vice President of the Justice Commission of the Italian Senate, which is overseeing the bill’s discussions. Senator Cucchi expressed concern that media freedom is under threat in Italy. During the discussion, it became evident that the Balboni Bill is unlikely to undergo substantial amendments in its current form, as it has the support of the majority of MPs in the governing coalition.



MFRR delegation with Vice President of the Justice Commission at the Italian Senate, Senator Ilaria Cucchi
Credits MFRR

Although not all leaders of the ruling coalition agree on this reform, they support each other’s respective reform agendas cohesively. Opposition party Italia Viva, led by former PM Matteo Renzi, has also backed the reform. The Balboni Bill is part of a broader justice reform promoted by Forza Italia. Despite years of debate over the defamation reform, Senator Cucchi noted a current political willingness to pass the bill into law. She

emphasised the importance of leveraging the Constitutional Court’s role in assessing the constitutionality of the future law, as well as the need to further raise public awareness of the reform’s shortcomings in protecting journalists and press freedom in Italy.

The delegation discussed the role of the defamation reform also with **MP Valentina Grippo**, member of opposition party Azione and member of the Italian delegation at the Parliamentary Assembly of the Council of Europe and Pierluigi Mazzella, Italian Government representative at the Steering Committee on Media and Information Society (CDMSI) of the Council of Europe. According to MP Grippo, the text will be subjected to a broader discussion and there may be chances of improving amendments when it reaches the Chamber of Deputies. Pierluigi Mazzella expressed trust in the transposition of the EU anti-SLAPP Directive, which will constitute a turning point in the reform of Italian defamation provisions.

The MFRR delegation regrets not being able to further discuss the defamation reform with other MPs or government representatives, as all other meeting requests were declined. The consortium particularly laments the missed opportunity to discuss plans for the transposition of the EU Anti-SLAPP Directive and the implementation of the Council of Europe recommendation against SLAPPs with representatives from the Ministry of Justice. It remains unclear who will be responsible for implementing these regional instruments at the national level in Italy. However, the MFRR has learned through the Coalition Against SLAPPs in Europe (CASE) that a focal point has been appointed for the Directive’s transposition in Italy.

A significant concern remains that current efforts to reform defamation laws in Italy, which are widely used in SLAPP cases, do not include a reform of civil defamation law. Civil defamation provisions are inadequate and urgently need to be fully aligned with international freedom of expression standards. Such reform is of extreme importance, particularly because international human rights law mandates that states fully decriminalise defamation laws.

Defamation and the Balboni Bill

Amendments to defamation legislation currently under discussion by the Justice Commission of the Italian Senate are based on an original proposal by Senator Alberto Balboni in September 2022. [DDL S 466](#), also known as the “Balboni Bill”, builds on an earlier proposal by former Forza Italia Senator and judge Giacomo Caliendo (ex [DDL S. 812](#)) in 2018.

The Balboni bill aims to reform defamation in response to the Constitutional Court’s rulings ([No. 132/2020](#) and [No. 150/2021](#)). The bill codifies the abolition of prison sentences for defamation, aligning with the Strasbourg Court’s rulings and established Italian jurisprudence, as prescribed by the Constitutional Court. However, several concerning shortcomings from an international freedom of expression perspective remain.

The most alarming aspect is that the reform does not intend to fully decriminalise defamation. This omission is serious, given the increasing recognition that criminal defamation laws are incompatible with international standards on freedom of expression. Various human rights bodies in the UN system, including the [Human Rights Committee](#), have called on states to abolish criminal defamation. The OSCE and its Representative for Freedom of the Media have [stated](#) that journalists should never face criminal charges for their work and has been advocating for full decriminalisation of defamation in its Member States, including Italy. The European Court of Human Rights has [condemned](#) Italy for violation of Article 10 on right to freedom of expression for the criminal convictions of journalists.

In addition to the serious failure to decriminalise defamation, the Balboni Bill presents several problematic provisions. Notably, the bill proposes significantly increasing fines for criminal defamation, raising the minimum fine to two brackets: from €5,000 to €10,000 and from €10,000 to €50,000. Currently, fines for criminal defamation are in the range of a few thousand euros. An increase in fines of any amount contradicts

the interpretation of Article 10 of the ECHR as provided by the European Court of Human Rights. The Court has repeatedly stressed that penalties for defamation must consider the defendant's economic situation to avoid imposing disproportionate fines that could have a chilling effect on freedom of the press and expression. Additionally, monetary penalties are particularly damaging for those with limited means while proving ineffective for those with substantial financial resources, thereby encouraging the use of lawsuits merely for intimidation purposes.

The Balboni Bill also introduces additional criminal sanctions. Suspension from exercising journalistic profession for a period of one to six months is of serious concern due to its potential deterrent effect on criticism, which opposes the practice of the Strasbourg Court. Similarly, the introduction of correction for journalists, directors, and/or editors-in-chief is deeply problematic to mitigate criminal culpability and contradicts the call for decriminalisation of defamation. The draft provision would prevent them from adding a title, comment, or reply. While less intrusive remedies in defamation cases, including apology and correction, are more respectful of free speech, they can do so only if included in a broader context of a civil defamation law reform.

Last in the line of new sanctions introduced, there are disciplinary measures imposed by the National Council of Journalists. These measures fall under professional association standards and, under international law, they should have no place in criminal law. They [should remain solely in the realm of self-regulation](#) managed and balanced by the National Council of Journalists and should not be subject to statutory regulation.

The current bill under discussion falls short of the comprehensive reform of defamation provisions mandated by the Constitutional Court while overall and in several key provisions violates international human rights law. Instead of focusing on formulating provisions to protect journalists from abusive lawsuits and vexatious legal actions, as called for by the Court, the bill shifts its focus towards safeguarding plaintiffs. This shift in focus promotes an approach that appears to view much of the journalistic community as acting in bad faith, prioritising the right to reputation over freedom of expression in a manner that is perceived as unbalanced.

Civil society and journalists' organisations

According to MFRR interlocutors, there are currently two overarching proposed bills advanced by the ruling coalition that are stirring the Italian political debate. Firstly, a constitutional reform aimed at [strengthening the role and powers of the Prime Minister](#) by introducing their direct elections on an absolute majority criteria. Secondly, a [justice reform aimed at separating the careers of judges and public prosecutors](#), which is encountering fierce resistance from most opposition parties and the [National Association of Judges](#), which fear that such a reform would lead to an interference of the executive into the independence of the judiciary. Both proposed reforms would entail amendments to the Italian Constitution.

It is within such reforming endeavours that the Parliament has been discussing two problematic bills affecting journalists' reporting and which risk damaging media freedom: the Costa Bill [restricting court reporting](#), and the Balboni Bill, aiming at reforming defamation provisions as outlined earlier.

According to Italian stakeholders, the Costa Bill falls under the controversial [transposition of the EU Directive on the Presumption of Innocence \(EU 2016/343\)](#), initiated by the Draghi government and known as the Cartabia reform, named after the then Minister of Justice Marta Cartabia and further aggravated by the Costa Bill. One stakeholder acknowledged that "the transposition of the directive was done incongruously" and that they "fear [sloppy] translations" of EU legislative tools. They lamented that the European Commission did not monitor closely the actual transposition of such a directive. According to another stakeholder, the Cartabia and Costa Bills constitute "severe violations of the citizens' right to information in Article 10 of the ECHR", by limiting not just reporters' access to information but also citizens' sources.

A further source of concern raised by multiple stakeholders is the differentiated autonomy reform that was recently passed by the Italian Parliament ([Law 26 June 2024, nr. 86](#)). According to MFRR interlocutors, such a reform, which is sponsored by the Minister for Regional Affairs and Autonomies Roberto Calderoli – representative of Lega – will seriously impact public media, potentially dismantling Rai in favour of several regional public media entities.

The representatives of civil society with whom the MFRR delegation met in Rome indicated that such reforms, combined with political interference in the public broadcasting service, are part of a broader decline of freedom of expression in Italy. Attacks on press freedom, [the criminalisation of climate dissent](#), and the [repression of high school students' protests](#) cannot be dissociated from the attempts of the ruling coalition to reshape the [cultural and historical narrative of the country](#).

While explaining the specificities of the Italian case regarding political interference in public media to the delegation, one stakeholder argued: "Even before the Renzi law and the Gasparri law in 2003, there was a very strict connection between politics and public service broadcasting. However, from the end of 2022, with the new government, something changed. The new government wants to control the centre of public service broadcasting because they believe Rai has always been a stronghold of the centre-left. They immediately aimed to occupy the role of CEO and nominated a person closely linked to the Prime Minister. Simultaneously, intense pressure was exerted on journalists and TV presenters such as Fazio, Saviano, and Gramellini. As a result, many of them resigned or were forced to leave. Now, the issue extends beyond the board to the programmes themselves. Rai has lost many of its main journalists, individuals who represented public service."

Summarising the tenor of the relationship between media and politics, stakeholders lamented the intolerance of members of the ruling coalition to any form of media criticism. One stakeholder argued that "The government's line remains: anyone who criticises the government must be delegitimised". "Information is under attack", "there is an increased lack of respect for rule of law procedures," both representatives of the FNSI and the *Ordine dei Giornalisti* agreed.

Conclusions and Recommendations

The findings from discussions with institutional and local stakeholders have been assessed against international and regional standards. Specifically, [the European Convention on Human Rights \(ECHR\)](#), and the [case law of the European Court of Human Rights](#); as well as the European Media Freedom Act (Regulation EU 2024/1083), the European anti-SLAPP Directive ([Directive EU 2024/1069](#)), the 2022 European Commission's anti-SLAPP Recommendation ([Commission Recommendation EU 2022/758](#)) and the 2024 Council of Europe Recommendation on the same topic ([Recommendation CM/Rec\(2024\)2](#)).

Firstly, the mission's unfortunate conclusion is that, amid ongoing tensions between the media and political actors, the ruling coalition members were unwilling to engage in discussions with the delegation about the state of media freedom in the country. This demonstrates a lack of political will to acknowledge the issues affecting the journalistic community.

Secondly, as outlined in this report, media freedom in Italy is currently facing several challenges. Long-standing issues such as the lack of independence of Rai, the use of legal intimidations by politicians, and conflicts of interest within the media market not only persist but have also intensified over the past two years. The specificities of such deterioration of media freedom undermine independent and critical journalism generating worrying implications for Italian democracy. The mission observed that the chilling effect ensuing from the decline of freedom of expression and the government's attempts to silence the press signals a worrying democratic decline in Italy's media freedom landscape.

As watchdogs of democracy, journalists play an essential role in facilitating public debate and providing information to ensure that citizens have access to a plurality of viewpoints. As stated in the [European Democracy Action Plan](#), quality journalism contributes to public awareness and the resilience of our democracies.

Finally, the MFRR delegation identified an urgent need to align Italian provisions with EU and international standards, particularly concerning the independence of public media, countering SLAPPs, reforming defamation laws, and addressing conflicts of interest in the media market. The mission hopes the following recommendations will be thoroughly considered. The delegation remains available to further communication and cooperation with all relevant stakeholders in Italy.

Recommendations on Rai with regard to the EMFA

Although the Member States remain responsible for defining the scope and detailed organisation of their public service media (PSM), the EMFA requires governments to establish a framework that ensures the editorial and functional independence of PSM.

To prevent the politicisation of PSM management structures, the EMFA requires Member States to ensure that the "procedures for the appointment and the dismissal of the head of management or the members of the management board (...) aim to guarantee the independence of [public service media]" (Article 5.2). The EMFA stipulates in this respect that appointments of the head of management or management board members must be made on the basis of clear criteria laid down in advance. Only extraordinary circumstances, which also need to be clearly defined in advance, may result in their dismissal prior to the conclusion of their term of office.

The EMFA tackles the risks stemming from the underfunding of PSM. Member States are required to put in place procedures that guarantee adequate, sustainable, and predictable funding so that the public service media can fulfil their remits and are capable to innovate and further develop.

The MFRR consortium – together with independent experts, journalists representative organisations such as

the *Federazione Nazionale Stampa Italiana* (FNSI) and the Italian National Council of Journalists, in consultation with the European Broadcasting Union (EBU) – calls on the Italian Parliament to initiate a comprehensive reform of the legislation regulating Italian public broadcasters in line with Article 5 of the European Media Freedom Act.

Recommendations for fair rules for Rai during election time

The introduction of media coverage rules favouring government representatives' screen time over opposition candidates during elections violates the right to freedom of expression.

The MFRR consortium believes that the new amendment violates the right to seek, receive, and impart information as protected by Article 19 of the ICCPR and Article 21 of the Italian Constitution. The MFRR strongly recommends that the new amendment be withdrawn and that new laws and regulations abide by international and regional human rights standards of freedom of expression.

In particular, publicly owned or funded media have a duty to be balanced and impartial in their election reporting and not to discriminate against any political party or candidate. Other broadcasters may also be placed under a duty of balance and impartiality. This duty requires that news, current affairs, interview and information programmes must not be biased in favour of, or against, any party or candidate.

Recommendations for media market's conflicts of interest

As AGI's union has been renewing the [appeal to their publisher](#) to decline offers from those who do not appear able to offer reassurances on media independence, the MFRR consortium calls on Eni not to sell the news agency to Antonio Angelucci, nor to similar personalities with a clear political affiliation.

Should the bid to acquire the AGI news agency materialise, the Communications Regulatory Authority should conduct a thorough and transparent evaluation and consider the impact on media pluralism, editorial independence, and conflict of interest, also in accordance with the European Media Freedom Act.

Italy's existing regulations on media ownership have been [criticised](#) as inadequate, necessitating stronger legal frameworks and truly independent oversight to address the challenges posed by such acquisitions. Implementing stronger safeguards to prevent excessive media concentration and ensure diverse ownership is an urgent necessity.

As [large media conglomerates](#) exist in both the press and television sector, and media ownership in Italy tends to follow a "chinese box" structure (in which one holding controls multiple companies), it is harder to identify who is the beneficial owner of any one media and what their links may be to political or other vested interests.

The MFRR calls on Italian authorities to ensure full disclosure of ownership and potential conflicts of interest in media, in line with Article 6 of EMFA. Further, in line with Article 25, AGCOM should ensure full transparency of the distribution of state advertising funds.

Recommendations on defamation reform and transposition of Anti-SLAPP Directive

The MFRR advocates for the decriminalisation of defamation in line with international human rights obliga-

tions. Bringing Italian legislation in line with these international standards, which protect freedom of expression and information, requires two sequential actions:

Firstly, recognising that civil law offers more effective and balanced methods to protect individuals' reputations, including appropriate remedies such as compensation for any damages suffered.

Secondly, alongside decriminalisation of defamation, reforming civil defamation legislation is essential to fully align with international freedom of expression standards and to effectively incorporate provisions from the EU and Council of Europe anti-SLAPP practices.

The consortium urges for the effective transposition of EU Directive 2024/1069 against SLAPPs that adheres to the highest standards outlined in the EU Anti-SLAPP Recommendation as well as with those of the Council of Europe. Specifically, [a reform of defamation civil provisions should include](#):

1. Introduction of early dismissal mechanism for SLAPPs;
2. Reversal of the burden of proof, which would require that the burden of proof be on the plaintiff. Once it is determined that the content was published in the public interest, the burden of the proof will be on the claimant;
3. Introduction of provisions for compensation for material and non-material damages for defendants in SLAPP cases;
4. Introduction of effective, proportionate, and dissuasive sanctions to deter serial SLAPP offenders;
5. Setting a cap on damages for civil cases.

The consortium urges the Government to adopt a series of recommendations on SLAPPs, as outlined by the European Commission in [the Recommendation 2022/758 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings](#). These should include the measures such as:

1. Establishing a comprehensive system of financial and legal support for defendants in SLAPP cases;
2. Promoting anti-SLAPP trainings for legal professionals (judges, prosecutors, and lawyers);
3. Undertaking awareness-raising initiatives and organising information campaigns on SLAPPs, with particular emphasis on addressing potential targets of SLAPPs;
4. Improving the collection of data monitoring and reporting on SLAPP cases. These should include data on the number of SLAPP proceedings, types of plaintiffs, amount of sought damages, the length of the proceedings, among others. These data should be made publicly available and disseminated, including in the reporting to the European Commission.

Any reform of the defamation legislative framework that fails to incorporate the EU Anti-SLAPP Directive, the EU Anti-SLAPP Recommendation, and the Council of Europe's Recommendation on countering the use of SLAPPs, particularly the concepts of public participation and public interest issues defined in Article 3 of the EU Directive, will be incomplete and incapable of effectively addressing the challenges posed by SLAPPs against journalists.

Annex I: List of stakeholders

Institutional actors

Senator **Ilaria Cucchi**, Vice President of the Justice Committee of the Senate of the Republic

Senator **Barbara Floridaia**, President of the Rai Oversight Parliamentary Committee

Elena Grech, Deputy director of the Representation in Italy of the European Commission; **Luca Pierantoni**, Head of political affairs; **Alessandra Marino**, Team leader Press and Media, **Adriano Addis**, Press Officer

MP **Valentina Grippo**, member of the Italian delegation to the Parliamentary Assembly of the Council of Europe

Giacomo Lasorella, President of the Italian Communications Regulatory Authority (AGCOM) and AGCOM commissioners **Laura Aria**, **Elisa Giomi**, **Massimiliano Capitanio**; **Giorgio Greppi**, Head of AGCOM Media Service Directorate; **Antonio De Tommaso**, Head of AGCOM International Relations Service AGCOM premises

Pierluigi Mazzella, Italian Government representative at the Steering Committee on Media and Information Society (CDMSI) of the Council of Europe

Civil Society members

Gianluca Amadori - Member of the Executive board of *Ordine dei Giornalisti*

Alessandra Costante - General secretary of FNSI - *Federazione Nazionale Stampa Italiana*

Vittorio Di Trapani - President of FNSI - *Federazione Nazionale Stampa Italiana*

Clara Habte - Member of *Rete No Bavaglio*

Francesca Loffari - Institutional affairs senior officer at Amnesty International Italy

Daniele Macheda - Secretary of Usigrai - *Unione Sindacale Giornalisti Rai*

Andrea Oleandri - Executive Director at CILD - *Coalizione Italiana Libertà e Diritti Civili*

Alessandra Paolone - Institutional affairs officer at Amnesty International Italia

Paola Spadari - Secretary of *Ordine dei Giornalisti*

Giulio Vigevani - Constitutional Law Professor at Università degli Studi Milano Bicocca

Vincenzo Vita - Member of Articolo 21

Journalists

Anna Bredice - Journalist of *Radio Popolare Network*

Martina Castigliani - Journalist of *Il Fatto Quotidiano*

Francesca De Benedetti - Journalist of *Domani*

Ilario Lombardo - Journalist of *La Stampa*

Sara Manisera - Journalist of *Fada Collective*

Daniilo Lupo - Journalist of *La7*

Matteo Pucciarelli - Journalist of *La Repubblica*

Giulio Rubino - Journalist of *Irpi*

Davide Sarsini - Journalist of AGI (*Agenzia Giornalistica Italia*)

Nello Trocchia - Journalist of *Domani*

Maarten van Aalderen - President of *Associazione della Stampa Estera*

Annex II: Members of the MFRR Mission

Beatrice Chioccioli - Advocacy Officer at International Press Institute
Nicole Corritore - Press Officer at Osservatorio Balcani Caucaso Transeuropa
David Diaz-Jogeix - Director of Programs at Article 19
Serena Epis - Researcher at Osservatorio Balcani Caucaso Transeuropa
Andreas Lamm - Interim Managing Director at European Centre for Press and Media Freedom
Sielke Beata Kelner - Advocacy Officer at Osservatorio Balcani Caucaso Transeuropa
Renate Schroeder - Director at European Federation of Journalists

Annex III: Selection of Press Clips

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Annex IV: Stakeholders' translations

AGI: *Agenzia Giornalistica Italia - AGI*

ANSA: *Agenzia Nazionale Stampa Associata - ANSA*

Brothers of Italy: *Fratelli d'Italia*

Communications Regulatory Authority: *Autorità per le Garanzie nelle Comunicazioni - Agcom*

Democratic Party: *Partito Democratico*

ENI: *Ente nazionale idrocarburi*

Greens and Left Alliance: *Alleanza Verdi e Sinistra*

Lega: *Lega per Salvini Premier*

National Council of Journalists: *Consiglio Nazionale Ordine dei Giornalisti*

Rai: *Radiotelevisione Italiana - Rai*

Rai Oversight Parliamentary Committee: *Commissione parlamentare per l'indirizzo generale e la vigilanza dei servizi radiotelevisivi*

Rai's board of directors: *Consiglio di Amministrazione* (also referred to as Rai's board)

Regional Administrative Court of Latium: *Tribunale amministrativo regionale del Lazio - TAR*

5 Stars Movement: *Movimento 5 Stelle*