

# Who is afraid of journalists?

Report of the MFRR fact-finding  
mission to Italy 4-6 April 2022

*Coordinated by OBC Transeuropa*



Defamation, SLAPPs, safety of journalists

# Roberto Saviano

for the **MFRR Summit 2022**



*I'm asking you to keep your eyes open on what is happening in Italy, and not only in Italy.*

*Nowadays it is extremely difficult to be able to go on writing, to go on investigating for the truth; it is difficult to do that without having to pay consequences for it.*



*In fact, freedom of expression is dying and it is not dying because of censorship made by law. It is dying because of the constant attack on quality: less and less money to defend yourself; less and less money to make investigations; less and less money to pay wages or hire people.*

*It is dying because of the isolation of single reporters. It is easy to crack down on a person, who can be attacked, isolated, denigrated, and forced to go to court.*

*You force these persons to spend their time defending themselves, thus neglecting their real aims. That's what's happening. And there is only one possibility to stop this: Let's disseminate these stories – let politicians know that the author is not alone.*

**On the first day of the Italy mission, the delegation went to Campania, the region where most investigations written by Roberto Saviano are based; the delegation was hosted for dinner in Casal di Principe, in a building confiscated from the camorra and now used for social purposes.**

**Picture above: from the bus of the delegation, street in Casal di Principe, following one of the police cars escorting the journalist Mimmo Rubio and the chief of the local police of Arzano Biagio Chiariello.**

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## MEDIA FREEDOM RAPID RESPONSE

Media Freedom Rapid Response (MFRR) tracks, monitors and responds to violations of press and media freedom in EU Member States and Candidate Countries. This project provides legal and practical support, public advocacy and information to protect journalists and media workers. The MFRR is organised by a consortium led by the European Centre for Press and Media Freedom (ECPMF) with ARTICLE 19 Europe, the European Federation of Journalists (EFJ), Free Press Unlimited (FPU), International Press Institute (IPI) and CCI/Osservatorio Balcani e Caucaso Transeuropa (OBCT). The project is co-funded by the European Commission.

[www.mfrr.eu](http://www.mfrr.eu)

# Introduction

As part of its activity, the MFRR leads a range of fact-finding, fast response, and advocacy missions across EU member states and candidate countries. During the COVID-19 pandemic, these missions were replaced with virtual meetings, and the Italy mission was the first to be held in-person after several months of online meetings.

The missions enable the MFRR to capture first hand information about a range of threats to press and media freedom, establish partners and contacts across the continent, and engage directly with policy makers.

From 4 to 6 April 2022, a delegation of the MFRR was in Italy for a fact-finding mission focused on two main topics: defamation and future legislative developments against SLAPPs on one side and the safety of journalists and State protection measures on the other. In 3 days there were 8 meetings in 2 regions (Rome and Campania), with 11 MFRR participants: Laurens Hueting for ECPMF, Jamie Wiseman and Veera Nikkanen for IPI, Guusje Somer for FPU, Ricardo Gutiérrez for EFJ, Maria Luisa Stasi and Roberta Taveri for ARTICLE 19 Europe, Chiara Sighele, Maria Francesca Rita, Nicole Corritore and Paola Rosà for OBCT, who organised the mission in collaboration with Italian stakeholders such as the association Articolo 21, the Italian Journalists' Union FNSI, and the Order of Journalists. Meetings were hosted by the Constitutional Court, the Parliamentary Anti-Mafia Commission, and the Headquarters of the Criminal Police. The delegation also met an inter-group of Members of Parliament, as well as several journalists, reporters under police protection, freelancers with no contract, victims of abusive lawsuits, lawyers, and representatives of civil society organisations.

This report collects the findings and the recommendations of the partners of the MFRR participating in the Italy Mission from 4 to 6 April 2022.

It is also available in Italian.

## Distances. Approaching the idea of an Italy mission

by Paola Rosà – Coordinator of the Media Freedom Resource Centre, OBCT

Her voice on the phone sounded convincing, there was no need to ask further questions: less than 48 hours after my first request sent via email, the officer of the Constitutional Court had dialled my number to inform me that a meeting with the judge-rapporteur could be confirmed for one of the days I had requested. There couldn't have been a better way to start our three-day mission focused on legislation and safety of journalists in Italy; no better way to open our fully packed calendar.

Indeed, what seemed one of the most difficult meetings to arrange, what appeared to be the most distant, was in fact the quickest in terms of response and confirmation. The Constitutional Court granted us the chance to discuss the core issue of our mission with the judge-rapporteur for both rulings of the Court.

Those two decisions, the suspension of judgement in June 2020 and the actual ruling in June 2021, were the main reasons that pushed for an MFRR visit to Italy right now. Now – almost two years since the beginning of this sequel of missing responses – seemed the right moment to investigate if and when the Italian legislator would respond to the call of the Constitutional Court. The reasons for this delay, for this silence, deserved our closer look.

Our look and our common approach were designed and defined step by step, taking the whole picture into consideration: aware that criminal defamation laws are internationally considered a threat to freedom of expression, but knowing that civil trials and high compensation damages can also have a chilling effect, we agreed on a fact-finding approach that would also consider the distance between principles



and reality, and the need to gather views and concrete experiences from local stakeholders.

Distances played a strong symbolic role in Arzano, a few kilometres north of Naples, where Claudio Silvestri, the secretary of the regional journalists' union, organised a meeting for the MFRR with three local journalists under police protection. Addressing the Vice-President of the European Commission in a video call to Brussels, they told her how distant they perceived the Italian politics and politicians, in spite of the fact that the State was protecting them with an armed escort. "We are not heroes – said Mimmo Rubio – we are citizens, citizens of Arzano, of Campania, of Europe".

On that Monday, distances were striking between a Baroque palace in Rome and the concrete building of the police station in Arzano: the delegation enjoyed the morning conversation in the Palazzo della Consulta, a palace which had belonged to the Popes when they ruled as kings, and continued the afternoon interviews in that peripheric local police station with peeled plaster walls, where the chief is called the "journalist commander" because of his trust in journalism and his will to fight camorra with information.

"In Italy we do have media freedom" – said Raffaele Lorusso of FNSI during our meeting about SLAPPs – "but we don't have free journalists". Playing with words is something that Italians like to do, the language includes the taste of paradox, the pleasure of oxymorons. But the paradox of freedom, the distance between legislation and the actual exercise of rights, is something serious that not only affects journalists and activists, but any citizen trying to practise freedom of expression.

The stories we heard in Arzano and in Rome covered different forms of distance, geographical distances, gaps in job conditions and wages, in language, and approaches. Two hearings were scheduled in the premises of the Italian Parliament, and those MPs, though they were also journalists, could not have been more distant from the rest of our interlocutors. Asked why they did not react to the calls of the Constitutional Court, they replied there was so much else to do, the pandemic, the war in Ukraine; and trying to justify themselves in the answer about the lack of proposals to tackle SLAPPs, they objected that the main obstacle was the high number of lawyers in Parliament.

Trying to bridge the distance with the audience, in a desperate effort to regain trust, journalists in Italy are driven away by the difficulties of the market, among media capture, concentration of media ownership, lack of contractual guarantees, and payment of fees that can hardly cover the cost of a coffee and a croissant. The President of the Order of Journalists, referring to publishers, quoted Don Juan and the “stone guest”; in fact, publishers would be the ones to ask questions to. But the MFRR chose other voices to be heard.

The issue of trust, disinformation, and credibility of journalism entered the scene; but a proposal to defend journalists’ role - made by MPs within the Parliamentary supervisory commission on public service media - sounded quite strange and distant from the audience. In order to help television viewers distinguish valuable opinions from unworthy positions, the suggestion is that every time a journalist speaks in a television debate, there appears a label, a dot, in the right end corner of the TV screen, a kind of quality hallmark, a guarantee seal. But what if two journalists express diverging views? Who deserves the dot?

Many other issues, anyway, remained without feedback and were not analysed.

In this report, we are giving back some impressions and formulating some analysis suggested by the inputs we received during the mission. On many occasions, we decided to take a step back, and look at the whole picture from a distance, also acknowledging distances, willingly keeping the distance.

To get a wider visual, to find the right focus, one also needs to adjust the distance.

# 1. Steps towards a safer journalism

## Between good practices and the lack of trust in institutions

The European Commission Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union (16 September 2021) strongly promotes cooperation between law enforcement authorities, journalists, and associations representing journalists. In its 18 pages, the terms cooperation and coordination occur 30 times, and the invitation is to set up coordination centres and protocols of cooperation involving representatives of police forces and security services, the judiciary, local public authorities and media bodies, journalists' associations and unions, and media self-regulatory bodies. A "continuous dialogue" should be implemented and best practices shared among Member States. Among the good practices of coordination, Italy is mentioned beside the Netherlands and Sweden. Here are our findings from the ground.

## 1.1. Daily threats and emergency solutions, living under police escort

The regional Journalists Union of Campania (SUGC, Sindacato Unitario Giornalisti della Campania), organised a meeting with local journalists under police protection at the headquarters of the local city police station in Arzano. The municipality is located in the larger metropolitan area of Naples, and the local administration has been dissolved several times in the last decade, after police investigations have confirmed tight links between local criminal organisations and local politicians. The chief of the local police is also under police protection as he received death threats

for his activity in support of legality.



Video MFRR Italy Mission #1 <https://youtu.be/ksqXIR-rZl>

## Who is afraid of journalists?

by **Ricardo Gutiérrez** – Secretary General of the European Federation of Journalists, EFJ

The dialogue with Italian journalists threatened by the mafia in Arzano was one of the highlights of the mission. This meeting was an opportunity for a long and frank online exchange between the Vice-President of the European Commission, Vera Jourova, and the journalists present, Marilena Natale, Luciana Esposito, and Mimmo Rubio. It was an opportunity for the European Commissioner to get a real measure of the constant threats to journalists who expose the crimes of the “camorra” in the provinces of Naples and Caserta. The three journalists she met online all live under police escort or police protection. They also have the constant support of the “journalist commander”, the head of the Arzano municipal police Biagio Chiariello, who is also under police escort.

Marilena Natale, 50, wrote her first article at the age of 16. Her many years of experience have convinced her that politicians have a major responsibility, as corruption is one of the main causes of criminal activity in the region. “Our real enemy is political corruption,” she says. Like the other journalists present, she believes that providing police escorts for threatened journalists is not enough. She considers that the government is not taking concrete measures to provide effective protection for journalists. She calls on Italian legislators to listen to the requests of threatened journalists and to strengthen the legal framework that would allow for better protection of these journalists.

Mimmo Rubio, 55, who has been under police escort since 2020, insists, for his part, on the need to fight against SLAPP judicial procedures that aim to delegitimise journalists. “It is a way of trying to silence journalists... Policy makers need to do more to really defend freedom of information in this country”.

Luciana Esposito, 38, insists on the slowness of the justice system in dealing with the threats against journalists. The assault she suffered in 2015 as a result of her coverage of the criminal activities of the camorra in Ponticelli, east of Naples, was not tried until 2022, when the three assailants were convicted.

Vera Jourova pledged to question the Italian Minister of Justice about the length of

the judicial proceedings. She also assured the threatened journalists that she would include their input in the ongoing European initiative to adopt a European "Media Freedom Act", which will be presented in July.

The European Commissioner also indicated that she is well aware of the drift of abusive legal proceedings against journalists. She believes that the European initiative against SLAPPs should improve the situation, but this will require further commitment from Member States, including Italy.

Two days after the meeting organised by the mission, the President of the Italian National Federation of Journalists' Unions (FNSI), Giuseppe Giulietti, also visited Arzano. In view of the seriousness of the situation in the regions of Naples and Caserta, he announced his intention to refer the matter to the Italian Minister of the Interior and to convene an extraordinary meeting of the National Anti-Mafia Commission. This suggests that the situation of journalists threatened by organised crime remains very worrying and that political initiatives are needed to establish a more protective regime.

The meeting in Arzano was also an opportunity to highlight the difficulties experienced by judicial journalists following the transposition into Italian law (with the Italian decree 188/2021 entered into force on 14 December 2021) of the European Directive 2016/343 on the protection of the presumption of innocence. Some public prosecutors interpret the text in a very restrictive way: they claim that they can no longer deliver any information to journalists about ongoing judicial investigations. The FNSI considers this interpretation as an infringement of the freedom of the press and has sent a formal protest to the European Commission on 22 February 2022. The letter from FNSI calls on the EU "to monitor the Italian legislation transposing the directive in question and to draw the Italian legislator's attention to the need to remove from the transposition decree the provisions restricting press freedom".

Another meeting, organised on 6 April with the Order of Journalists, new groups of journalists (Giulia Giornaliste, GvPress, Lost in Europe, Centro di Giornalismo Permanente) and the Carta di Roma association highlighted the growing precariousness of these professionals and in particular of independent journalists. The Order is aware of media outlets that pay these journalists 3 euros per article.

The exchanges showed a certain openness of the Order of Journalists towards new groups of journalists, who are very aware of issues of diversity, equality, the fight against discrimination, and the importance of international journalism as well. The ethical commitment of the Carta Di Roma association for responsible journalism is widely supported by the profession. But the discussions also showed the limits of a professional disciplinary body. Alongside the Order, Italy would no doubt find it beneficial to equip itself with a truly independent journalistic self-regulatory body bringing together journalists, media owners, and civil society. The model of "Press Councils" is proven in other European countries. It could contribute to increased confidence in the media in Italy, without taking anything away from the disciplinary prerogatives of the Order.

Overall, the exchanges with journalists under escort and groups of young journalists highlight the need to improve the protection of journalism and journalists in Italy, both in terms of physical safety and economic and labour protection. The mission delegation felt that decision-makers were not giving journalists all the protection they deserve, for example by fully putting into practice the Council of Europe Recommendation 2016/4 for the protection of Journalism or the recent European Commission recommendation on ensuring safety of journalists in the European Union. We clearly ask ourselves this question: who is afraid of Italian journalists? Why are they not guaranteed a legal, economic, and social environment that allows them to fully accomplish their mission of counter-power?

## 1.2. A coordinated State protection system for journalists

Thanks to the help of Antonella Napoli, a journalist member of the association Articolo 21 who is enjoying several forms of police protection because of online threats, the delegation was received at the Police Headquarter and had a meeting with Stefano Delfini, High Officer of the Police, Director of the Service Criminal Analysis, and with Vittorio Rizzi, President of the Support Body to the Coordination Centre on intimidation acts against journalists. These bodies are mentioned in the Recommendation of the European Commission among the best practices of coordination and collaboration to grant the safety of journalists.



Video MFRR Italy Mission #2 <https://youtu.be/GqSPI4kMI6c>

## The State monitoring, a (somehow perfectible) good start

by Guusje Somer – Policy & Advocacy Officer, Free Press Unlimited

The Coordination Centre is a body which conducts monitoring, analysis, and prevention work to improve journalists' safety. Chaired by the Minister of the Interior, it is composed of the Head of Cabinet, the Chief of Police, the President and Secretary General of the Italian Press Federation (FNSI), and the President and Secretary General of the Order of Journalists. The body was set up in 2017 and is regularly quoted as an example practice mechanism to improve the safety of journalists.

Every year the Coordination Centre publishes the data of recorded harassment, intimidation, attacks, and more towards journalists that it has received from the police. In 2020, the Coordination Centre report showed that police forces recorded 163 verified incidents of intimidation against journalists. This showed an increase of 87% compared to 2019. These incidents ranged from physical aggression and verbal threats to threatening letters or online harassment.

The recently published data of 2021 show a further increase of verified incidents. 232 incidents of violence, harassment, intimidation etcetera against journalists were recorded last year. This shows an increase of 42% compared to 2020. Organised crime was still responsible for a significant number of threats; around 11% in 2021. Yet, political issues became the main motivation for acts of violence against journalists. Nearly half (44%) of the incidents of intimidation occurred online (via Facebook, email, Instagram, Twitter, and Whatsapp), with the lockdown accentuating and exacerbating this trend, the report said, with 24% of all threats made against women journalists and 67% against men. The remaining 9% are directed to media or journalistic structures. As in previous years, in 2021 the region Lazio and the northern region Lombardy, but also Sicily, Toscana, and Emilia-Romagna recorded the highest number of incidents.

During the meeting, it became clear to the MFRR delegation that the *modus operandi* of the Centre, which has seen a revival under the new Minister of Interior Luciana Lamorgese, clearly has improved the relationship between journalists and the

authorities. The meeting underlined the importance of the work of the Centre. The monitoring and analysis of the Coordination Centre are an important step towards more safety for journalists in Italy and also have a warning function. The rise in recorded cases with the Centre underlines the need for the Centre.

The Centre was created in 2017. Its existence is of high symbolic value. This also feeds into the fact that the Centre enjoys growing trust of the journalistic community. The Centre shows a proactive approach, for instance by investing in relationships of trust with the journalistic community, and on the local level in the region of Campania. The intensive exchange of information regarding the safety issues journalists face, even on a daily basis, has clearly had a positive impact on the relationship between journalists and the police. One journalist told the delegation that they never felt as supported as they do now since the Centre was established.

## **Areas of attention and room for improvement**

At the same time, several aspects of the Coordination Centre's work require critical analysis.

Firstly, during the meeting, the MFRR delegation discussed the challenges regarding the independence of the Centre. First of all, we learnt more about the methods used for the monitoring. The accuracy of the data is worth exploring further. Given that the data used by the Centre are based on police reports, according to our delegation it would be worthwhile to further explore to what extent journalists file police reports in cases of harassment, threats, and more. This was also acknowledged by the police interlocutors. The MFRR was therefore interested to hear about the campaign started by the Oversight Board of the Centre to make journalists aware of their rights. It was acknowledged that too often still, journalists think that threats are part of their jobs. Moreover, given the fact that threats against journalists are intended to intimidate them, it is highly likely that not all threats are reported to the police out of fear. In the current monitoring system, if journalists do not file a police report, however, these press freedom violations are not taken into account in the Centre's data monitoring.

In addition, regarding the monitoring of the Centre, unlike in other member states in the European Union, in Italy not a single incident of intimidation against journalists by members of the police was reported over the last year. According to the report, all recorded cases of violence and harassment against journalists in Italy came from

members of the public. Although the delegation would welcome it if no confrontations between journalists and the police take place, our members think that the police-related aspect of the Centre's monitoring of violence would merit some more attention. The self-regulatory nature in this regard, where the police monitor its own acts towards journalists, may hamper the independence of the monitoring system.

Moreover, the MFRR is concerned that the scope of the data that is being monitored does not cover all types of threats a journalist may face. More specifically, the Coordination Centre does not monitor cases of legal intimidation and threats against journalists such as Strategic Lawsuits Against Public Participation. Given that legal intimidation of journalists is a prevalent issue in Italy, the MFRR recommends that the monitoring of legal threats against journalists is taken up by the Italian authorities.

Furthermore, the MFRR is concerned about the potential for political influence in the Centre's scope of work. We welcome the fact that the Ministry of Interior has taken the lead in coordinating a national response to the declining safety of journalists in the country. Moreover, the fact that under the new Minister of Interior, the Centre has intensified its efforts, is laudable. At the same time, it also points to a potential issue that is worth close consideration. To work effectively, the Centre needs to be independent from any political influence; therefore, the MFRR delegation recommends that the Centre explores how to guarantee that its activities are not subjected to potential political shifts in the future and that full independence is always guaranteed.

During the meeting, the rise in the number of threatened women journalists was discussed. The threats they face are often sexist and sexual of nature. The MFRR welcomes that this double burden faced by women journalists was also acknowledged by the Coordination Centre. At the same time, it is clear that more research and work needs to be done to collaborate with social media platforms, which is where the majority of these attacks take place.

### 1.3. Mafia and reporters: the Parliamentary sub-committee

On Wednesday 6 April an official hearing was scheduled at the Parliamentary Inquiry Commission Against Mafia for the meeting with the delegation of the MFRR. The visit was hosted by the MP Walter Verini, member of the Democratic Party, who is also a journalist and the coordinator of the Sub-Committee mafia, journalists, and world of information.



Video MFRR Italy Mission #3 [https://youtu.be/RV\\_Hrzt6s](https://youtu.be/RV_Hrzt6s)

## Moving beyond monitoring

by **Laurens Hueting** – Senior Advocacy Officer, European Centre for Press and Media Freedom, ECPMF

The history of the parliamentary Anti-Mafia Commission is indicative of the pervasiveness, scale, and intensity of the threat from organised crime in Italy. First established in 1963, the bicameral inquiry commission initially focused on the “phenomenon of the Mafia” in Sicily. Its scope was quickly expanded to include all organised crime of the Mafia type throughout the country. The Commission’s mandate is to study the phenomenon, gauge the adequacy of the legal and administrative measures taken in response, and propose new solutions.

In 2014, the Subcommittee “On mafia, journalists and world of information” was established under the Anti-Mafia Commission, tasked specifically with monitoring and evaluating the relationship between organised crime and information. The Subcommittee looks at the different forms and consequences of violence and intimidation by organised crime faced by journalists and various types of censorship and other pressures prevalent in the context of reporting on the phenomenon.

In the implementation of this mandate, the Subcommittee meets with a variety of stakeholders, who share their insights and experiences with the members of parliament. After a presentation by Verini comprising a more general overview of threats faced by journalists, including during protests and in the courts, the meeting presented firstly an opportunity to inquire into what are, in the view of the members of parliament closely following the matter, the biggest menaces for reporters from organised crime. In this regard, also underlining the bravery of the journalists involved who sacrifice their own safety to inform the public, Verini elaborated on the effect of both actual attacks as well as threats. In relation to the latter, he stressed, in particular, the impact that death threats can have, citing the example of a journalist who had to move home twice as a consequence of receiving them.

In addition, the MFRR delegation was also keen to hear more about solutions to the problem. While the limited time available impeded an in-depth exploration of ideas, nevertheless a number of strands emerged, together constituting a partial outline of the comprehensive response that is needed.

For one, as concerns overarching solutions to the scourge that is organised crime, Verini underlined the importance of creating more opportunities. Eradicating the phenomenon will require the creation of new hope among disadvantaged segments of the population, for whom the lure of ill-gotten wealth, power, and influence presents a strong pull factor in the absence of legitimate avenues for economic security and social advancement.

Second, Verini stressed the importance of solidarity among the journalistic community itself. In this regard, he referred to the example of the “scorta mediatica”, the media escort. This is a potentially powerful tool, comprising not only the expression of solidarity of journalists with their colleagues who find themselves in the crosshairs of organised crime but also an amplification of their work. Beyond the evident symbolism of the gesture, it sends a robust signal that attacking reporters in an attempt to silence their voices is counterproductive, as in fact, such aggression serves to bring renewed focus and shine additional light on the issues they are covering.

While the MFRR concurs that solidarity among journalists sends an important signal, the emphasis on what is essentially a self-help mechanism of the journalistic community begs the question of the role of the state and politicians in advancing journalists’ safety and improving protection against the threat of organised crime. In this regard, the role of the police and the enforcement of the criminal law naturally remain a central pillar. Accordingly, the MFRR inquired into the Subcommittee’s views about the potential for political influence over the work of the Coordination Centre. As noted above, the MFRR is concerned about the dominant central role of the Ministry of Interior in the organisation of its work, making it susceptible to interference. In response, Verini staunchly defended the manner in which the Centre is currently organised. He advanced the view that the Centre is sufficiently independent, stressing the involvement of the journalistic community in the steering bodies of the mechanism, through the participation of the FNSI and the Ordine dei Giornalisti. In this perspective, the Ministry is just another party in the process, together with the journalists’ representatives and agents for the various police forces.

The MFRR agrees that the involvement of representatives of the journalistic community is of central importance in ensuring the effectiveness of the Coordination

Centre and its capacity to develop tailored responses to the threat of organised crime. Nevertheless, this frankly uncritical engagement with the lack of adequate safeguards for its independence did little to assuage concerns about the potential for political interference, in particular considering parliamentarians' unique role in ensuring political oversight of the executive branch. To fully realise the potential of the mechanism and ensure that it can be trusted by media actors, the MFRR considers such safeguards must be built into its foundations, such that the cooperation of all relevant parties including state entities is guaranteed through the institutional design of the mechanism.

The MFRR delegation is grateful to have engaged with parliament on this critical issue. The importance attached to it is evident from the Commission and its Subcommittee's existence and fact-finding activities. Nevertheless, overall the brief meeting left us hungry for more: we would have appreciated the opportunity for a deeper dive into the role of the parliament in developing solutions to the intractable problem of organised crime's effect on journalists' safety. Keeping the spotlight on the matter, as stressed by Verini, is indeed part of that function. However, we believe that providing a truly adequate political response will require moving beyond monitoring and analysis into more concrete action based on the findings of that continuous evaluation.

## 2. Legal threats and legislative reforms

### **Defamation: understanding the gap between international standards and local framework**

The EC initiative against SLAPPs (strategic lawsuits against public participation) published on 27 April can also be seen as a result of an intense and participated transnational collaboration, and shared advocacy efforts, of several media freedom and human rights organisations, including the partners of the MFRR, that delivered several studies, analysis, and contributions. Abusive lawsuits, for example totally unfounded defamation proceedings, are a threat to democracy and a tool to silence critical voices, and the issue is considered “a democratic emergency” in Italy, too, in the words of the President of the Order of Journalists in December 2018. But defamation is one of the two pillars of this mission, also because of the decisions of the Constitutional Court in 2020 and 2021 to invite the Parliament to reform the rules on defamation in the country.

### 2.1. The exchange with the Constitutional Court

The mission started with a meeting with Francesco Viganò, judge-rapporteur who was involved in both decisions of the Constitutional Court regarding the abolition of prison sentences in less severe cases of criminal defamation. The conversation was led by Maria Luisa Stasi, Head of Law and Policy for Digital Markets at ARTICLE 19 Europe.



Video MFRR Italy Mission #4 <https://youtu.be/tZ4FWsw7Qs4>

## Calls falling into the void

by ARTICLE 19 Europe

On the morning of Monday 4 April, the MFRR delegation had the opportunity to meet the Constitutional Court's judge-rapporteur, Francesco Viganò, who drafted the two Constitutional Court's recent decisions (the first on 9 June 2020 and the second on 22 June 2021) about the constitutionality of two Italian rules that allow for jail sentences in case of defamation through the press.

In its decision of June 2021, the Constitutional Court established that Article 13 of Law 47/1948 (the Italian Press Law) is not compliant with the Constitution. The Court, however, declared Article 595(3) of the Penal Code, which provides for a prison sentence between six months and three years or the payment of a fine for defamation through the press, compliant with the Constitution, as it allows the judge to order imprisonment only in cases of "exceptional severity". Finally, the Court repeated its 2020 call for the Italian Parliament to undergo, without delay, a wide and comprehensive reform of the defamation legal framework, both criminal and civil, to adapt the balance between the protection of individuals' reputation on the one hand, and to the freedom of the press on the other, to the societal developments which have occurred since the adoption of the Press Law and the Penal Code.

The conversation with Judge Viganò started with a discussion about the numerous points in the Constitutional Court's judgement. The MFRR asked about the criteria to identify the 'exceptional severity' threshold to mandate imprisonment under the current framework and what the components of the desired comprehensive reform would look like.

ARTICLE 19 Europe noted that it has long advocated, based on international standards, for the decriminalisation of defamation as well as against the abuse and misuse of defamation proceedings within the framework of SLAPPs. Therefore, we welcomed the Constitutional Court's openness to leave the Parliament free to move in the direction of full decriminalisation. However, if anything, the MFRR mission to Italy has diminished hopes with regards to this development: on the one hand, stakeholders do not seem to have consensus on the importance of decriminalisation to protect journalists. On the other hand, the Italian Parliament has shown no

willingness to proceed in this direction notwithstanding the calls from the Court: the Wednesday meeting with the inter-group set to deal with the legislative reform confirmed that it is very unlikely that this Parliament takes any initiative before the end of the legislative term in March 2023. The concrete risk is therefore, once more, that the Constitutional Court's call will fall into the void.

With regards to the circumstances that could concretise the 'exceptional severity' needed to impose a prison sentence, the Constitutional Court explained in its decision that they have to be identified looking mainly at the case-law of the European Court of Human Rights in Strasbourg. In addition, it mentioned three specific cases: hate speech, incitement to violence, and disinformation campaigns that are extremely defamatory and are intentionally conducted by individuals well aware of the falsehood of the claims. Judge Viganò confirmed that this is an open list; therefore, the discussions evolved around the criteria that should guide criminal judges in their assessment.

ARTICLE 19 Europe noted that 'hate speech', 'incitement to violence', and 'disinformation' are three broad concepts that should be differentiated from defamation, and that different international standards are to be applied to each category. It is true, and possible, that in some cases they could overlap with defamation – defined here as false statements of fact that cause serious harm to an individual's reputation – but it is however important not to confuse or conflate them, as this would lead to an unnecessary expansion of the scope of criminal defamation and to confusion on the elements to be assessed by the judge and on the criteria to be used to guide a severity and sanction assessment.

Based on the wording in the Court's decision, two criteria appear to be necessary for the exceptionality assessment: defamatory intent and full knowledge of the falsehood of the information. The combination of those two elements could lead to substantial harm, for example in the context of electoral campaigns or if targeting politicians. Judge Viganò noted that a common trait of those cases is that these journalists who conduct themselves as such do not comply with their function as public watchdogs but rather put the democratic balance in danger.

Both criteria, however, raise challenges. The subjective element, i.e. the intentionality of defamation, is difficult to prove, and mechanisms would be needed to match it with the Italian provisions on defamation, which, it was recalled, impose liability for

negligent behaviours where no intentionality is needed. Additionally, there was an agreement that little guidance is retrievable from the national case law on disinformation, as the few cases available do not seem to match the exceptional circumstances needed to justify the prison sentence. Furthermore, it was highlighted that care is needed to avoid disinformation cases being presented as criminal defamation cases, which would represent a violation of international freedom of expression standards.

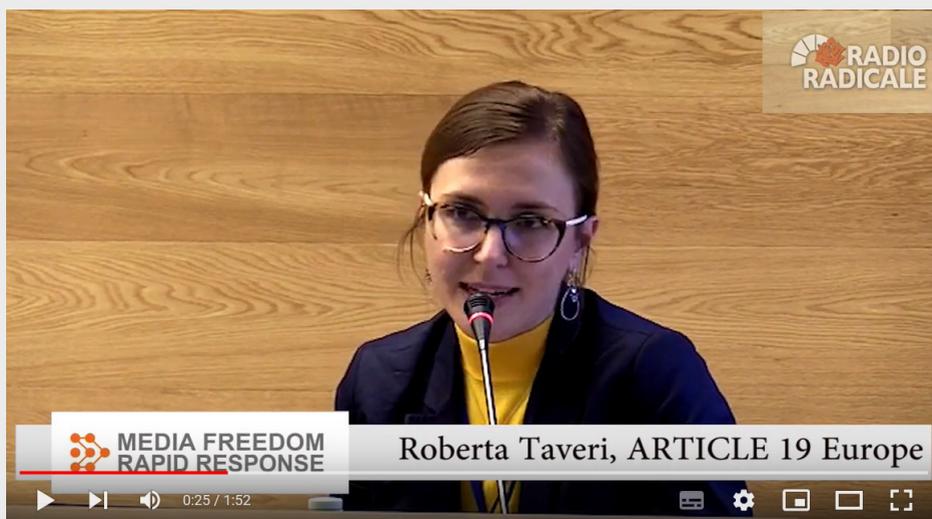
The second part of the conversation was dedicated to the likely components of an adequate reform of the Italian system. This broader discussion touched upon a variety of topics, from specific challenges related to the civil defamation cases, to codes of ethics and other self-regulatory initiatives as likely instruments for the adequate protection of freedom of the press in the country.

Unsurprisingly, there was consensus on the fact that civil defamation cases might have a strong chilling effect too, and that therefore standards and guarantees are needed there as well. For example, the discussions touched upon what is to be proved in civil defamation cases to avoid or impose liability under the Italian framework: ‘knowledge’ of the falsehood; based on what information was available at the moment; journalistic checks of the sources etc. ARTICLE 19 Europe noted that shifting the burden of proof can be used as a way to create some filters for SLAPPs at a very initial procedural stage, and therefore protect journalists from SLAPPs from the early stage. Judge Viganò added that this should be achieved without putting in danger the full protection of the right to access to justice as protected by the Italian Constitution.

It emerged from the discussion that a number of procedural safeguards might be easy to set and implement, which could at the same time guarantee freedom of expression of journalists without undermining the possibility to protect one’s own reputation and right to access to justice. Finally, the desirability for more attention and perhaps a strengthening, in particular with regards to their implementation of codes of ethics and similar standards for journalists was raised more than once. In fact, for the press to be able to properly perform its watchdog function, a number of elements are needed, which are not limited to the defamation proceedings. The hope, therefore, is that all relevant actors and stakeholders cooperate in the creation of a framework that guarantees all these elements, according to international standards.

## 2.2. SLAPPs: the voices of the victims

The complexity of SLAPPs and their impact on the Italian media landscape were the topics of a meeting hosted by the Journalists' Union, where we heard a selection of voices in representation of the victims of abusive lawsuits in Italy: the secretary general of the FNSI, a representative of a civil society organisation, three journalists working in different environments (a freelancer, a journalist working for a foreign newspaper, and a reporter working for Italian public television), and the lawyer of the FNSI. Roberta Taveri, Programme Officer at ARTICLE 19 Europe introduced a comparative research on SLAPPs carried out by the organisation at regional level.



Video MFRR Italy Mission #5 <https://youtu.be/vcuJCE3F-V4>

# SLAPPs against journalists in Italy from a European comparative perspective

by ARTICLE 19 Europe

SLAPPs are lawsuits usually brought by wealthy or powerful individuals or corporations with the intent of intimidating, stigmatising, financially and psychologically draining journalists or individuals that speak out and take position on issues of public interest, and silencing their voices. The findings of the MFRR Italy mission confirmed the existence of a widespread resort to SLAPPs against journalists in Italy. Although comprehensive official statistics are not available, journalists and experts with whom the mission met in Rome and Arzano on 4 to 6 April 2022 described SLAPPs as one of the top obstacles to the enjoyment of journalists' right to freedom of expression in Italy. Many described such abusive practices as 'a Damocles sword' affecting their professional and personal lives and hampering the full enjoyment of the right to freedom of expression, both at individual and at societal level.

ARTICLE 19 Europe's research on SLAPPs across Europe reveals how these practices are characterised by very similar features: among these, a strong power imbalance between the claimants and the defendants; the punitive element of a process aimed at silencing the journalist rather than at winning the case, and the unbearable impact on journalists at professional and personal level of long and costly legal proceedings.

The length of these proceedings contributes to the detrimental element of SLAPPs. SLAPP cases in Europe tend to last on average between three and ten years, although in some cases can last for decades. The Italian journalist Antonella Napoli is being sued for criminal and civil defamation by a high official in the judiciary in Salerno who was, at the time of the publication of the article, involved in an investigation on illegal abortion. His claim was based on an expression used by Napoli in an article reporting the story, which he claimed harmed his reputation. After the journalist's acquittal in the first criminal proceeding, three years after its inception in 1998, the claimant sued the journalist for civil defamation based on the same claim; the civil proceeding is still ongoing, a staggering 21 years later. The mission

also revealed that in Italy, claimants prioritise civil defamation suits: while SLAPP cases for criminal defamation are often dismissed by the judge and may be time-barred after 6 years<sup>1</sup>, civil defamation cases may go on for many years<sup>2</sup>.

Italian journalists also highlighted how SLAPPs pose a serious financial risk both at personal level and for their newspapers and editors, who in some cases decide not to pursue controversial investigations to avoid long and costly litigation. Further, in many cases, even if journalists are acquitted and found innocent, they are still obliged to pay for their legal defence. Although normally the law requires the losing party to cover the costs of proceedings<sup>3</sup>, this is not always applied in practice. In a civil defamation lawsuit, journalist and writer Floriana Bulfon had to pay her legal defence fees<sup>4</sup>, even if she was found to be innocent in all degrees of appeal, because the claimant did not have any possessions and Bulfon's publisher was by then bankrupt. Under these circumstances, self-censorship is seen by many journalists as the safest strategy, and an obvious consequence of a culture of SLAPPs.

SLAPP cases may start with intimidating letters from law firms requesting journalists and their outlets to pay exorbitant amounts to compensate alleged damages to their clients, and blackmailing them with legal action if they fail to pay. In other instances, harassment and threats accompany legal actions: in 2014 journalist Valerio Cataldi was verbally harassed and threatened after publishing a video showing the poor hygienic conditions and treatment of migrants held in a temporary detention centre in Lampedusa, Sicily; the cooperative managing the centre initiated a legal action against the migrant who shot the video with Cataldi's phone. In another instance, Cataldi was verbally harassed on Twitter and Facebook by the Albanian Prime Minister Edi Rama, who called him a "pig" and a "sold journalist", after the broadcasting on the TV news show TG3 of his piece about the increase of cannabis cultivations in Albania. Death threats on social media immediately followed these posts.

Freelancers, independent, and local journalists bear the highest burden of SLAPPs. Their work is of key importance to ensure a diversity of voices in a democratic

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1 Article 157 of the Criminal Code.

2 According to Art. 2947 par. 3 Civil Code, the same prescription period defined for criminal defamation applies to civil actions: <https://www.rcmediafreedom.eu/Tools/Legal-Resources/SLAPPs-the-Italian-Case>. However, once the civil claim has been filed, amendments to the pleas and related arguments are always possible pursuant to Article 183 of the Code of Civil Procedure, subject to the sole condition of being connected to the substantial matter raised.

3 Article 91 of the Code of Civil Procedure; article 427 of the Code of Criminal Procedure.

4 Bulfon noted that she received some support from the FNSI to cover part of these costs.

society, as they often expose issues that are not tackled by mainstream media or deviate from the dominant way of thinking. And for this stance they are often victims of SLAPPs. Freelancers and local journalists cannot count on the support of publishers and outlets in their defence, or do not have outlets with sufficient resources or expertise to support their cases. Journalist and independent film director Claudio Lazzaro was sued six times by individuals connected to extreme right wing movements in Italy, who he featured in his documentaries. Even if found innocent in all cases, Lazzaro had to bear all associated legal costs for his defence. He also mentioned that while these lawsuits were ongoing (they lasted approximately 10 years), he lived in a state of constant fear of the prospect of having to pay thousands of euros in compensation to the claimants, a situation that he described “a nightmare”.

The transnational element of certain SLAPP cases has also emerged as a visible obstacle for journalists in Italy. Journalist Floriana Bulfon was sued for civil defamation in the UK by an Italian individual resident in Switzerland. The claimant was demanding damages for millions of euros for Bulfon’s article where he was mentioned and which was published in an Italian newspaper (the article was later translated in English). Bulfon underlined the huge financial implications that these cases bring: she faced legal costs in two different jurisdictions, in Italy and in the UK, and her lawyers had to set up her defence in both countries with two different legal systems. Once again the impact of such cases is particularly destructive for freelancers who do not have the support of publishers and/or legal teams.

ARTICLE 19 Europe proposes a series of recommendations to address SLAPPs against journalists, which include a combination of legislative and non-legislative measures. These include, among others, an early dismissal procedure for SLAPP cases, with the inversion of the burden of proof on the claimant once determined that the information had been published in the public interest; the introduction of mechanisms of financial and legal support for journalists victim of SLAPPs; and the imposition of sanctions for claimants who initiate SLAPP cases, to serve as a deterrent and punitive measure. Most of these recommendations have been welcomed by the Italian stakeholders met during the MFRR Italy mission, who strongly underlined the importance of the provision of legal and financial support to journalists targeted with SLAPPs (for example through the establishment of a dedicated fund) and the introduction of sanctions for those who initiate them. Giulio Vasaturo, lawyer at FNSI

also suggested the establishment of an insurance scheme for journalists to cover legal and financial costs associated with such legal proceedings. This would be specifically important for freelancers or independent journalists, who, as mentioned, lack support from editors and have to bear their own legal defence.

On 27 April 2022, the European Commission published an Anti-SLAPP initiative, which adopts an approach in defining SLAPPs with cross-border implications, taking into account how attempts to limit public participation resonate and impact public interest across borders. The initiative includes an early dismissal mechanism, a regime of sanctions, and protective measures for those targeted by SLAPPs. It also sets minimum standards which are crucial for ensuring better protection of public watchdogs, recommending states to apply safeguards to all cases beyond the scope of the minimum standards set by the EU. It is of utmost importance that the Italian government would fully implement this initiative, as a first step to ensure the protection of journalists from SLAPPs in Italy.

### 2.3. Journalists in Parliament, a dialogue

Carlo Bartoli, President of the Order of Journalists, helped the delegation get in touch with the newly formed MPs' inter-group which just started working on legislation issues related to information and journalism. The meeting took place in Palazzo dei Gruppi ("the palace of the groups", meaning Parliamentary groups), one of the buildings which host offices and rooms used by Members of the Chamber of Deputies.



Video MFRR Italy Mission #6 <https://youtu.be/O73GpQ9M8Cc>

## A stronger voice or a choir out of tune?

by Jamie Wiseman – Advocacy Officer, International Press Institute, IPI

On 6 April the MFRR delegation met with a new parliamentary inter-group composed of Members of Parliament focused on issues related to media and journalism. The meeting at the Palazzo dei Gruppi near Montecitorio was attended by Luigi Casciello, a Member of Italian Chamber of Deputies (Forza Italia), Massimiliano Capitanio (Lega) and Michele Anzaldi (Italia Viva). The inter-group is formed of 18 parliamentarians who have had previous careers as journalists or within the news industry. Its members come from both chambers and all political parties are represented. Having formed just weeks previously, the meeting was the first time the group had met with an international delegation focused on media freedom. The informal group is the first of its kind formed to focus specifically on the issue of press freedom.

The MFRR delegation heard that the aim of the inter-group is to provide a “louder voice” in parliament for tackling the different challenges facing journalists and the journalistic industry in Italy. The inter-group serves to provide a focal point for debate and a driver of positive legislative change. Despite the political differences between the parties involved, consensus was reached that the country’s journalistic community needed a better point of reference in parliament to help “step up” efforts to strengthen media freedom and the safety of journalists. Given the delayed reforms mandated by the Constitutional Court regarding the scrapping of prison sentences for journalists convicted of criminal defamation, MPs also said a key aim is also to create an additional forum for debate on the topic, in addition to protecting journalists against SLAPPs.

During the meeting, the delegation was briefed by the MPs on key issues facing journalists in Italy. Among other topics discussed was the problem of the precariousness of journalistic employment and the lack of adequate working conditions for members of the press. The economic challenges facing freelancers in Italy was highlighted as a key problem. The MPs welcomed best practices and recommendations developed at the European level for creating a more enabling climate for freelance journalism. At the economic level, MPs also discussed how

the COVID-19 pandemic had also taken a toll on the industry, exacerbating some of the historical challenges in the sector such as overall decline in revenues. Representatives expressed the need to create greater sustainability within the newspaper industry.

The right to journalistic confidentiality under the law was also cited as another long-term issue facing the industry. While there are 105,000 currently working journalists in Italy, it was noted, only 25,000 (17%) are registered in the Order of Journalists (ODG) as “professional” journalists, the rest being registered as “publicist”; this means that many cannot utilise the right to journalistic confidentiality and privacy afforded to “professionals”. In spite of the fact that some court decisions have granted the right to professional secrecy also to publicists, this was noted as a serious “legal gap” which needed to be addressed. Threats and intimidation against journalists from organised crime groups were also highlighted as a serious issue – one which the parliamentarians recognised as increasing. Issues not discussed in detail were high levels of media concentration, low public trust in media in Italy, or recent cases of wiretapping of journalists.

While the establishment of the inter-group on media freedom is a welcome step forward for amplifying the voice of journalists in parliament, it is clear the group also faces major challenges in its task of spearheading positive reforms. Deep fissures in opinion between the different members were clear to see, among them views in the work of the public broadcaster Radiotelevisione Italiana (RAI) and the funding of media in the country. The most important divergence in opinion, however, was observable in views on the urgency for the need for legislative reform of civil and criminal defamation to protect journalists against abusive lawsuits.

While the issue of vexatious lawsuits and SLAPPs was recognised by all as a problem, the necessity in finding legislative remedies was an issue of divergence. One of the representatives stressed that the stance of the Five Star Movement made it “very complicated to have this law [reform of criminal defamation] improved”. Another instead argued the COVID-19 pandemic and formation of a government of national unity had meant legislative priorities had shifted in the last two years.

Another MP pointed out that while progress reform of criminal defamation was stalled, reform of the civil code was even more challenging. However, the President of the Order of Journalists Carlo Bartoli noted that: “Italy needs to be more modern

in the field, as the current legal provisions are not effective enough.” There appeared to be little appetite to develop anti-SLAPP legislation at the current time, and instead to wait for the European Commission to unveil its landmark anti-SLAPP directive. The prevailing view was that there appeared to be little chance of any real progress from Parliament on the issue before the end of the legislative term in March 2023. During the meeting, representatives from the MFRR delegation raised the need for comprehensive reform of both criminal and civil code regarding defamation as a central element for improving the landscape for press freedom in Italy.

Moving forward, efforts to put aside political differences within the inter-group for the good of the entire journalistic community in Italy will be vital. Core to achieving this will be to focus more on what unites the parliamentarians, rather than what divides them. As the inter-group had only just formed, it was impossible to judge the group on any successes so far. However, the delegation concluded that there was at least a willingness to conduct open and frank discussions on a range of important topics. A more comprehensive assessment of the work of the group will be necessary in the future. With elections scheduled for 2023, it is also important the inter-group continue to function regardless of potential changes in membership. Pluralistic representation is a major strength of the group and should be retained as long as possible. For now, Italy’s journalists do however have a stronger voice representing them within parliament. The MFRR delegation looks forward to seeing the needs of journalists amplified further in the coming months.

## Conclusions

The MFRR fact-finding mission to Italy presented a unique opportunity for a deep dive into two sets of substantial challenges faced by the journalistic community: violence, intimidation, and other threats emanating from organised crime, and legal threats in the shape of Strategic Lawsuits Against Public Participation (SLAPPs) and other abusive lawsuits. Throughout our meetings with local stakeholders, it was confirmed that, taken together, these threats serve to undermine independent and critical journalism and the freedom of the press in the country while having a significant detrimental impact on individual journalists' safety and their professional and private lives. While the mission identified several good practices and positive developments that show recognition of the problem and a way forward towards its resolution, each needs further action to ensure a truly free and safe working environment for Italy's journalistic community.

The Coordination Centre on acts of intimidation against journalists is a welcome example of the authorities and journalists' community coming together to combat threats and other forms of harassment and intimidation of journalists. In the MFRR's view, the collaboration and intensive exchange of information within this body to monitor threats to journalists' safety have helped improve the relationship between reporters, their professional organisations, and the police. Additionally, the Centre's reports serve an essential warning function. As such, the Centre contributes to the implementation in Italy of the European Commission's Recommendation on the safety of journalists, which encourages EU Member States to set up coordination centres and foster a continuous dialogue between law enforcement and journalists (Rec. 6).

Nevertheless, the institutional setup of the Coordination Centre may impede its independence: at an organisational level, the MFRR delegation is concerned that the dominant role of the Ministry of Interior in the institution's leadership may give rise to excessive political influence over the work of the Centre. In this regard, the MFRR disagrees with the assessment advanced by its interlocutors during the mission's meeting with the subcommittee on media of the Parliament's Anti-Mafia Commission that the Ministry is merely another party in the Centre's design, together with representatives of law enforcement and the journalists' community: while not currently an issue, the Minister can potentially obstruct the Centre's work, leaving

the other stakeholders few tools to overcome such a blockage, should it occur. The MFRR recommends exploring ways in which the Centre's independence can be strengthened by insulating it better from the turbulence of politics.

Furthermore, the MFRR delegation has identified several avenues for further expanding the scope of the data collected by the Centre and advancing the quality of its analysis. For one, the impact of the Centre's reliance on police reports for the outcomes of its monitoring should be considered. We welcome the ongoing campaign to make journalists aware of their rights and encourage the filing of police reports. Still, it must be acknowledged that at the moment, there is a "dark number" of cases of harassment and intimidation that remain unaccounted for in the Centre's work as they go unreported. In particular, the MFRR delegation notes that not a single incident of intimidation of journalists by law enforcement officials was reported to the police over the last year, whereas in contrast, the MFRR documented several instances of police violence against journalists during protests on Mapping Media Freedom. Furthermore, the MFRR considers that more research and analysis could be done specifically to look into the threats women journalists face, including by advancing collaboration with the largest social media platforms, where the majority of these threats take place. Lastly, acts of legal intimidation are explicitly not covered by the Centre's monitoring but comprise a notable intimidatory impact on journalists' work.

Such legal threats, particularly in the form of SLAPPs, constituted the mission's second main area of focus. Described by the MFRR mission's interlocutors from the journalists' community as "Damocles' Sword", they affect journalists' professional and personal lives and hamper the full enjoyment of the right to free speech and freedom of the press at a societal level. Several features exacerbate this detrimental effect in the Italian context. Firstly, the length of proceedings can be excessive, particularly in civil defamation cases, which may go on for many years or even decades. Second, the principle that the losing party pays the all legal costs is not always applied in practice, with a significant financial impact for the sued reporters, even if they win the case. What is more, the decision on the legal costs comes at the end of the proceeding, but the costs have to be paid from its beginning. Such factors contribute to the risk of self-censorship among journalists and their outlets. In particular, freelancers and independent and local journalists suffer a higher burden in this regard, as they cannot count on the financial resources or in-house legal support of publishers or outlets to help their legal defence.

The MFRR recommends a combination of legislative and non-legislative measures to address SLAPPs against journalists. Among other things, these include introducing an early dismissal procedure, mechanisms for financial and legal support, and deterrent and punitive sanctions for those who initiate these abusive lawsuits. In this context, the MFRR calls on the Italian authorities to work with the European Commission, the other Member States, and the European Parliament to advance and subsequently implement the EC Anti-SLAPP initiatives, introduced on 27 April 2022. Furthermore, the MFRR delegation's meeting with the Constitutional Judge Viganò was an occasion to unpack and discuss key elements in the assessment of defamation cases, which are amongst the most abused proceedings when it comes to SLAPPs, and to address the need for broad and comprehensive reform of the defamation framework. The balance between the protection of the individual's reputation on the one hand and freedom of the press on the other must be reconfigured to reflect societal developments, and it is for the Parliament to do so with no delay. However, during its meeting with the parliamentary inter-group, the MFRR delegation, confirmed that there is no willingness to advance progressive reforms during the current legislature, and that there is thus a substantial risk that the Constitutional Court's repeated calls will go unheeded.

In conclusion, the MFRR delegation identified an urgent need for robust action by the Italian authorities, both as concerns legal threats specifically and with regard to the safety of journalists more broadly. The existence of the parliamentary Anti-Mafia Commission and its subcommittee regarding journalists is proof of the long-standing recognition by the legislator of the role played by journalists. In turn, the recent establishment of a parliamentary inter-group focused on matters related to media and journalism is testament to the acknowledgment within the current legislature of the need to tackle the challenges journalists face. These good intentions aside, however, the delegation underscores that it will now be vital to overcome political differences and swiftly move beyond monitoring, analysis and discussions into more concrete action.

## Resources

### MFRR's and partners' resources about Italy

MFRR: statements concerning Italy <https://www.mfrr.eu/?s=italy>

EFJ: statements concerning Italy <https://europeanjournalists.org/?s=Italy>

Mapping Media Freedom: alerts concerning Italy <https://www.mapmf.org/explorer?q=Italy&f.country=Italy>

Council of Europe Platform: Italy country report <https://fom.coe.int/en/pays/detail/11709530>

IPI: The Local Journalism Project <https://ipi.media/the-local-journalism-project/>

OBCT: Needs and Gaps Factsheet No.1: Italy <https://www.rcmediafreedom.eu/Dossiers/Needs-and-Gaps-Factsheet-No.-1-Italy>

OBCT: Needs and Gaps Analysis <https://www.rcmediafreedom.eu/Dossiers>

### MFRR's and partners' resources about Safety of Journalists

The MFRR Summit “Boosting Press Freedom”: <https://www.mfrr.eu/mfrr-summit/>

MFRR submission for the European Commission Recommendations on the Safety of Journalists <https://www.mfrr.eu/mfrr-submission-for-the-european-commission-recommendations-on-the-safety-of-journalists/>

Towards a safer haven: Advancing safety of journalists amidst rising threats in the Netherlands <https://www.mfrr.eu/netherlands-towards-a-safer-haven-advancing-safety-of-journalists-amidst-rising-threats-in-the-netherlands/>

ARTICLE 19: New guidelines for protecting women journalists <https://www.article19.org/resources/guidelines-intersectional-gender-approach-protection/>

ARTICLE 19: Online harassment and abuse against women journalists: <https://www.article19.org/onlineharassment/>

EFJ: Safety4Journalists, a project by the European Federation of Journalists <https://europeanjournalists.org/safety4journalists/>

IPI: Safety and Independence of Journalism: Media freedom webinar <https://ipi>

[.media/events/safety-and-independence-of-journalism-media-freedom-webinar-oct-20-2020/](#)

### **MFRR's and partners' resources about SLAPP:**

ARTICLE 19 Europe: Event wrap. How to tackle SLAPPs against public watchdogs? <https://www.article19.org/resources/event-wrap-how-to-tackle-slapps-against-public-watchdogs/>

ARTICLE 19 Europe: From weapons to shields. Europe must reform laws now to protect journalists <https://www.article19.org/from-weapons-to-shields/>

ARTICLE 19 Europe: EU: A call for action to combat SLAPPs: <https://www.article19.org/resources/eu-a-call-for-action-to-combat-slapps/>

ARTICLE 19 Europe: Spain: SLAPPs - legal harassment against journalists: <https://www.article19.org/resources/spain-slapps-legal-harassment-against-journalists/>

ARTICLE 19 Europe: Serbia: SLAPPs used to intimidate journalists and evade public scrutiny: <https://www.article19.org/resources/serbia-slapps-legal-harassment-against-journalists/>

OBCT: SLAPP and democracy, side effects and collateral damage, by Paola Rosà <https://www.rcmediafreedom.eu/Dossiers/SLAPP-and-democracy-side-effects-and-collateral-damage>

OBCT: Thematic factsheet: SLAPP in Italy, a democratic emergency <https://www.rcmediafreedom.eu/Dossiers/Thematic-factsheet-SLAPP-in-Italy-a-democratic-emergency>

OBCT: Special dossier: SLAPPs, strategic lawsuits against public participation <https://www.rcmediafreedom.eu/Rollover-homepage/SLAPPs-Strategic-Lawsuits-Against-Public-Participation>

### **Other resources**

Proposal for a Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation"), 27 April 2022 [https://ec.europa.eu/info/sites/default/files/4\\_1\\_188784\\_prop\\_dir\\_slapp\\_en\\_0.pdf](https://ec.europa.eu/info/sites/default/files/4_1_188784_prop_dir_slapp_en_0.pdf)

Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, 16 September 2021 <https://digital-strategy.ec.europa.eu/en/library/recommendation-protection-safety-and-empowerment-journalists>

Council of Europe Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9#\\_ftn1](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1)

The Case, Coalition Against SLAPPs in Europe: <https://www.the-case.eu/>

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The event about SLAPP and the final press conference were video recorded by Radio Radicale, and are freely available online.



**MEDIA FREEDOM  
RAPID RESPONSE**

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