

Freedom in the World 2014 - Italy

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2014 Scores

Status: Free

Freedom Rating (1 = best, 7 = worst): 1.0

Civil Liberties (1 = best, 7 = worst): 1

Political Rights (1 = best, 7 = worst): 1

OVERVIEW

Italy held parliamentary elections February 2013. Early elections were called after former prime minister Silvio Berlusconi's coalition, People of Freedom (PDL), withdrew its support from the government in December 2012, leading Mario Monti to resign as prime minister and President Giorgio Napolitano to dissolve Parliament.

The elections ended in a hung parliament: a center-left coalition obtained 55 percent of the seats in the lower house, the Chamber of Deputies, but in the upper house, the Senate, three factions – a center-left coalition led by the Democratic Party (PD), PDL, and the new Five Star Movement (M5S) led by comedian Beppe Grillo – received similar shares of the vote, and no group emerged with a majority of seats. As the leading parties struggled to form a coalition, Napolitano was unable to dissolve the Parliament and call for new elections since he was nearing the end of his term and the constitution forbids the president from dissolving parliament during his last six months in office.

Political party leaders failed to agree on a successor to Napolitano. After five failed attempts to select a president, Napolitano was persuaded to abandon his retirement and accept a second term. Napolitano immediately pushed to forge a consensus for a coalition government. On April 28, Enrico Letta of the PD was sworn in as prime minister of a grand coalition government comprising the PD, the PDL, and Monti's Civic Choice party.

Serious economic problems faced the new government; in 2013, Italy's public debt rose above 130 percent of its gross domestic product (GPD), and the unemployment rate rose to 12.5 percent in

December, with youth unemployment hitting record highs of just over 40 percent. In its 2014 budget, the government tried to balance pro-growth initiatives with austerity measures.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 37 / 40 (+2)

A. Electoral Process: 12 / 12 (+1)

The president, whose role is largely ceremonial but sometimes politically influential, is elected for a seven-year term by Parliament and regional representatives. The bicameral Parliament consists of the 630-member Chamber of Deputies and the 315-member Senate; most members of both houses are popularly elected to 5-year terms. The president may appoint up to five senators for life. The president also appoints the prime minister, who is often, but not always, the leader of the largest party in the Chamber of Deputies. The prime minister proposes a Council of Ministers that needs to be confirmed by the Parliament.

In general elections, most members of both houses are elected through closed party-list proportional systems, with a system of thresholds that encourages political groups to form coalitions. A so-called majority bonus guarantees that whatever grouping emerges with the most votes at the national level will get at least 340 of the seats in the lower house; in the upper house, victory in a given region assures the winning party or coalition a 55 percent majority of that region's allotment of seats. In December, two controversial aspects of the electoral law – the majority bonus and the closed party-lists – were ruled unconstitutional by the Constitutional Court. Although there was widespread agreement that the electoral law needed to be changed, politicians were unable to agree on what should replace it.

Parliamentary elections took place on February 24 and 25. The pre-election environment was positively assessed by the Organization for Security and Cooperation in Europe (OSCE), and the actual competition was considered free and fair. In elections for the Chamber of Deputies, the center-left "Italy Common Good" coalition led by the PD's Pier Luigi Bersani earned the most votes and claimed 345 seats, including the majority bonus. A center-right bloc, led by Berlusconi and composed of the PDL and Northern League (LN), garnered 125 seats. The M5S, running on a populist, anti-establishment platform, gained 109 seats, while Monti's centrist Civic Choice coalition, claimed 47 seats. In the upper house, the outcome reflected a similar alignment among the four groups: the center-left took 121 seats; the center-right won 117 seats; M5S, 54 seats; and Civic Choice; 189 seats. Voter turnout was just over 75 percent, well below the past 20-year average of 83.28 percent.

Still with no government formed, the presidential election process began on April 18. However, the first five rounds produced inconclusive results due to the pervasive disagreement among – and in some cases within – Italian political parties. In consideration of the severe situation, Napolitano, who was 87, accepted the entreaties of most of the major political parties to stand for a second term. On April 20, Napolitano garnered 738 votes, easily surpassing the 504 needed, and he became the first Italian president to be re-elected to a second term.

Napolitano's first act was to break the political impasse through encouraging the creation of a grand coalition government. Following Napolitano's repeated calls on Parliament to display unity and a

sense of responsibility, Letta was sworn in as prime minister of a coalition government after sealing an alliance with Berlusconi and Monti. At the end of September, a new political crisis was triggered when Berlusconi ordered PDL ministers to resign, but Letta refused to accept the resignations and called a vote of confidence. On October 2, Letta's government won the vote by a significant margin after many PDL members said they would not support Berlusconi in his effort to bring down the government down.

B. Political Pluralism and Participation: 15 / 16

The Italian party system is characterized by a high level of pluralism and political competition. However, its structure is very unstable since political coalitions easily change their compositions, and new political parties are often created. In February, two new political groupings contested the elections: Civic Choice and M5S. The M5S relied heavily on the internet as a participation tool, using its blog to select its candidate for the presidential election and to vote on the expulsion from the party of a senator who did not conform to the movement's rules.

In order to protect linguistic minorities, the electoral law stipulates that parties representing such groups can participate in the allocation of seats in the lower house if they obtain at least 20 percent of the vote in the constituency in which they are applying. As result of the 2013 elections, the German-speaking Südtiroler Volkspartei (SVP) gained five representatives in the Chamber of Deputies and four in the Senate.

C. Functioning of Government: 10 / 12 (+1)

Since the end of 2012, Italy has adopted several initiatives to strengthen its anticorruption policy. In November 2012, Italian authorities passed the Anticorruption Law, which set out a framework to improve public administration accountability, regulated conflicts of interest, built up whistleblower protection, and codified new types of corruption-related offenses. The law established a National Anticorruption Authority, which would have the power to investigate and adopt guidelines for public officials. Since 2011, Italy has been an active member of the Open Government Partnership that is a multilateral initiative of 64 countries dedicated to the implementation of open government reforms through government and civil society collaboration. In this context, in March 2013 the government adopted a legislative decree that established greater transparency of information within public administration. In June, Italy ratified the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption. Italian efforts to prevent and reduce corruption were positively evaluated by the 2013 Compliance Report of the Council of Europe's Group of States against Corruption (GRECO).

In a landmark case that saw the first definitive conviction of Berlusconi in at least 24 cases involving him over the course of his political career, the former prime minister's conviction on tax-fraud charges and sentence of four years' imprisonment were upheld by the Supreme Court in August. (Berlusconi, 76, was not expected to serve time in prison, as convicts over 70 rarely do in the country.) At the end of November the Senate imposed a temporary ban on holding public office that had been part of Berlusconi's sentence and that had stemmed from the new Anticorruption Law. Currently, Berlusconi is also appealing a conviction and seven-year sentence imposed by a Milan court for abuse of office and paying for sex with an underage prostitute.

Civil Liberties: 53 / 60

D. Freedom of Expression and Belief: 15 / 16

Freedom of expression and the press are constitutionally guaranteed and they are exercised by a large variety of media. There are more than 100 daily newspapers, most of them locally or regionally based, as well as political party papers, free papers, and weekly publications. Political party newspapers are the only category supported by public funds; the others are financed by advertising and sales. Despite the rapid growth of the online news industry, traditional media still play a large role in news consumption. Media concentration remains a major concern; however, it has improved somewhat since Berlusconi left office. When Berlusconi was prime minister, he controlled up to 90 percent of the country's broadcast media through state-owned outlets and his own private media holdings; although he has left office, he is still the main shareholder in television conglomerate Mediaset, and other media companies. Internet access is generally unrestricted.

In October 2013, the lower house passed a bill to abolish jail time as a punishment for defamation; the bill had yet to be considered by the Senate at year's end. The law was considered by press freedom groups to be a step in the right direction, particularly as several journalists had recently been handed jail sentences for defamation; however, the groups criticized the law's retention of criminal liability for defamation.

Religious freedom is constitutionally guaranteed and respected in practice. Although Roman Catholicism is the dominant faith, and the state grants some privileges to the Catholic Church, there is no official religion. Agreements between the government and a number of religious groups have been signed, but an omnibus religious freedom law has yet to be passed.

E. Associational and Organizational Rights: 12 / 12

Italian citizens are free to assemble, establish social and political associations, and organize demonstrations. The constitution recognizes the right to strike, but places restrictions on strikes by those employed in essential services such as transport, sanitation, and health, as well as a number of self-employed professions, such as lawyers, doctors, and truck drivers.

F. Rule of Law: 12 / 16

The judicial system is undermined by long trial delays and the influence of organized crime. A March 2013 report by the European Commission showed Italy having high numbers of pending civil cases in proportion to its population, in comparison with other EU countries, and the lowest number of judges per capita after Malta. Italian prisons are overcrowded, with more than 64,000 detainees held in 206 jails built for about 47,668, according to an October 2013 report by the Ministry of Justice. Despite legal prohibitions against torture, there have been reports of excessive use of force by police, particularly against illegal immigrants. The country continued to make some gains against organized crime in 2013. According to a report released by the Ministry of Interior in August 2013, during the previous 12 months police forces arrested 1,697 mafia members and seized €4.9 billion (about US\$6.6 billion) in mafia assets.

Italy is a major entry point for undocumented immigrants trying to reach Europe, and the government has been criticized for holding illegal immigrants in overcrowded and unhygienic conditions and denying them access to lawyers. After more than 350 African migrants died in October while attempting to reach the Italian island of Lampedusa, a commission in the Italian

Senate voted in favor of decriminalizing clandestine immigration. This crime was introduced in 2009 as part of the Security Law that imposes fines on illegal immigrants and grants authorities the power to detain them for up to six months without charges. According to a UNHCR advocacy paper, several issues undermine the integration of refugees and the reception of asylum seekers, and a general reform is needed to align Italian policies and practices with international standards. As result, in September the government announced an increase from 3,000 to 16,000 spaces in specialized reception centers for asylum seekers and refugees.

G. Personal Autonomy and Individual Rights: 14 / 16

Italian citizens enjoy a high level of personal autonomy as well as freedom of residence, movement and work both in Italy and abroad. The right to education is guaranteed by the constitution. Pertaining to the education of immigrant children, Italy provides the right to instruction in the same manner as it does for Italian citizens, regardless of their legal status.

Gender-based discrimination is prohibited by law. Women benefit from generous maternity-leave provisions, and considerable education opportunities. Following the February elections, female political representation increased in both the Chamber of Deputies (now 28 percent) and in the Senate (now 27 percent), but it is still far from equal. According to the 2013 Global Gender Gap report, Italian women face severe obstacles in both labor force participation and wage equality. Violence against women continues to be a serious problem. In October, Italy adopted the so-called Femicide Law, which increased penalties for domestic abuse, sexual violence, and stalking.

Although Italian law specifically bans discrimination on the basis of sexual orientation, members of the LGBT (lesbian, gay, bisexual, transgender) community do not have the same legal rights as other Italian citizens. There is no legal recognition of same-sex relationships, and same-sex couples may not adopt children together. In the past decades, a number of bills on civil unions have been presented into the Parliament, but they were regularly rejected by conservative members. In September, the lower house passed a bill targeting anti-LGBT discrimination; however, it was unclear whether the Senate would approve it. LGBT organizations say that the effectiveness of the bill has been undermined by the adoption of broad free-speech exemptions for political and religious organizations. According to a 2013 Amnesty International report, the Italian nongovernmental organization Gay Helpline received information about 750 verbal and physical anti-LGBTI (lesbian, gay, bisexual, transgender, and intersex) attacks in 2011. The same report said that according to the group Transgender Europe, 20 transgender individuals had been murdered in the country between 2008 and March 2013.

Despite some recent improvements, the Heritage Foundation still rates Italy as a moderately free economy due to the perpetuation of structural problems that seriously undermine the access to economic opportunities and resources. Such problems include an excessive fiscal burden; pandemic tax evasion; a large and inefficient public sector that discourages private investments, both domestic and foreign; and a regulatory framework that is hostile to business and encourages corruption. As a result, Italy is currently one of the slowest growing countries in the EU.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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