

130920 The Oxygen_Method

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All of us know that freedom of the press is denied in non-democratic countries. We are used to thinking that a democratic constitution can by itself solve this problem once and for all. In reality it solves many problems, but not all. Recently, we have learned that new limitations to free journalism may arise in spite of all the freedoms declared by law. Indeed, this happens precisely in the countries that are formally free. For instance, in Europe this happens in Italy. This is the "Italian case" which I will briefly discuss.

The world knows that Italy has a publishing environment in which media and advertising ownership is highly concentrated; the media are not sufficiently separated from politics and government; as seen, for example, with the conflict of interest involving Silvio Berlusconi for nearly the past twenty years. Italian legislation regulating the press is outdated, and instead of updating it, Italy has spent the last few years trying to pass more laws that would limit freedom of the press and freedom of expression, such as, for example, the proposed law on wiretapping.

This is well known. But few people know that in Italy, eleven journalists have been killed between 1960 and 1993; almost ten reporters live under heavy police escort; every year, hundreds of journalists are threatened with physical and legal harassment, especially by an intimidating use of defamation lawsuits, against which the majority of journalists are defenseless; few people know that many media workers avoid these kind of troubles by taking refuge in self censorship.

Until a few years ago nobody would have known that in Italy so many journalists have been threatened or silenced with unfounded legal claims. Things have changed over the past five years, since Ossigeno per l’Informazione, our small non-profit organization, began a targeted investigation, for which the observatory developed an original method. The investigation, whose results were generally accepted, proved very effective and amply documented the systematic use of intimidation as a tool to limit press freedom without changing the laws. Ossigeno’s research results tell us many interesting and unforeseen things.

1. In five years Ossigeno discovered more than 1400 media workers who have been victims of serious intimidation in Italy. Ossigeno estimates that many other cases remain unreported because victims are weak and afraid and do not want to come forward. Ossigeno has calculated that only one out of ten cases becomes publicly known.
2. Until now the government has refused to give to Parliament statistics on the number of journalists who are threatened or under police protection, despite three formal requests.
3. Only a small part of the episodes of intimidation came from mafia or other organized crime groups. Mostly intimidations come from law-abiding citizens (professionals, entrepreneurs, ordinary people).
4. The intimidation occurs throughout the country, not only in regions where the mafia is more entrenched, as many may think.
5. Those who threaten a journalist count on impunity ensured by archaic and inadequate laws. Those who make unfounded lawsuits for defamation or damages enjoy the same impunity. The slow-moving judicial system helps them keep a journalist on trial for many years.
6. It’s extremely easy to make use of defamation charges to stop a journalist who publishes unwelcome news. Defamation is still a crime for which a journalist may end up in jail and

for which journalists and publishers are liable for unlimited damages: sometimes journalists sell household goods to fund them.

7. The simple request for damages for defamation, even before the judge has seen it, creates huge economic difficulties for the publishing companies and pushes journalists towards self censorship.

Ossigeno's research turned on the light and by then it was impossible to deny that the Italian press is suffering from a serious illness that makes Italy resemble a country with a weak democracy.

The light is on, but the mainstream media doesn't speak about all these threatened journalists and the political world does not address the problem as it should. Reading Italian newspapers it seems that the problem doesn't even exist. Ossigeno's dossiers are respected and quoted, even if often greeted with annoyance, as are the Reports from Freedom House, that label the Italian press as not free but only "partly free". This was first declared in 2005 and has been confirmed from 2009 up to the present day. The last Report ranks Italy in 68th place among 197 countries.

We should not underestimate the negative classification of Italy, because Italy, one of the six founding partners of the European Union, with a millenary reputation as the "Cradle of the Law", should be an example to others, whereas it has the lowest ranking among the most developed countries of the world.

We must see that this low rank is more worrying than a bad performance: it reveals the onset of new forms of insidious and undeclared censorship, that can emerge and spread in modern democracies like new diseases, damaging one of the fundamental human rights and frustrating efforts to banish classical forms of censorship.

That is why the bad state of press freedom in Italy deserves special, close attention, we think, also from abroad and raises the question: is something similar happening in countries comparable to Italy? Who can rule this out? Who can answer? What can we do in the face of this?

Ossigeno has sounded the alarm and propose applying to other countries the Oxigen Method of research and classification of intimidation against media workers.

This method already classifies 29 different forms of intimidation against media workers. We are now adding a new category that we call "the crime that doesn't exist". It includes behaviors and actions which, while hampering the freedom of information enshrined in the Constitution, are not punished by law. A typical case is the unspoken discrimination in the workplace, which can deprive investigative journalists of their job with false motives.

Applying the Oxigen Method in other countries is not difficult. If operators apply it decisively and overcome entrenched beliefs and stereotypes they can easily recognize victims of these new forms of censorship, can certify with scientific criteria what they have suffered and show how related intimidation damages the public's right to be informed.

With the assistance of organizations like OSCE, the "Oxygen Method" can be easily applied in other countries. We are now making it available to everyone who wants to know if freedom of the press in his country is affected by the new diseases, in what form and to what extent.

* Centre of Information on the threats against journalists and on the news overshadowed by violence in Italy. promoted since 2008 by Federazione Nazionale della Stampa Italiana (FNSI) and Ordine Nazionale dei Giornalisti in association with other civil rights promoters. See more <http://www.ossigenoinformazione.it/>