COUNTRIES AT THE CROSSROADS

COUNTRIES AT THE CROSSROADS 2011:
ITALY

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INTRODUCTION

Since the fall of dictator Benito Mussolini and the subsequent end of World War II, the republic of Italy has been characterized by a stable party system combined with frequent government rotation. For much of this era, the centrist Christian Democracy (DC) party played a pivotal role within the institutional framework of a parliamentary democracy. During the 1960s, along with urbanization and industrialization processes—Italy’s “economic miracle”—the governing coalitions expanded to the center left, including the Socialist Party. The Italian Communist Party (PCI) led the left-wing opposition. In spite of its “anti-system” ideology, especially since the 1960s, the PCI played a central and pragmatic role through informal negotiations with the ruling majority and on several occasions influenced policy toward a progressive extension of social rights and the improvement of working conditions.

Party control over the public sector and the economic system gradually degenerated into “partitocracy,” the dominance of party leadership over national executives (who from 1948 to 1994 averaged less than one year in power), public policy, and bureaucratic patronage. An absence of genuine rotation of power encouraged unofficial collusion and clientelism. In fact, the less policy-based support political parties had, the more they relied on clientelism to succeed. Meanwhile, they increased public expenditure, and their capacity for long-term planning and effective policymaking diminished. In the 1980s, Italy’s public debt almost doubled, from 56.9 to 94.6 percent of the GNP, and in 2010 was estimated at 118 percent, the eighth highest in the world.

Italian democratic institutions have faced four main challenges: coup attempts in 1964 and 1970 by right-wing extremists colluding with members of the military and intelligence; a long period of terrorism carried out by both left and right; widespread systemic corruption; and the Mafia offensive against state institutions, which peaked in 1992 and 1993 with the assassination of judges Giovanni Falcone and Paolo Borsellino and a terrorist bomb campaign against national monuments. A more general attempt at undermining democratic decision-making was discovered in

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1981, when a list of one thousand affiliates to the secret Masonic Lodge Propaganda 2 (P2) was confiscated by judges to the Grand Master Licio Gelli. In order to manage these attacks, special emergency laws were adopted that limited the rights of defendants, increased penalties, and deteriorated prison conditions.

The combination in 1992 of a massive corruption scandal involving numerous high-ranking politicians and a dramatic financial crisis led in a few months to the electoral downfall of most political parties, among them the DC and the Socialist Party. The political system continued to lack stable political majorities and many leading political figures were put under inquiry, condemned, and forced to resign or even go into exile. Other parties underwent radical transformation (as in the case of the post-fascist Social Movement/National Alliance), and new political actors filled the political vacuum, including Silvio Berlusconi, media tycoon and the richest man in Italy.

The corruption scandals provoked a drastic transformation of the party system. A new electoral system with a strong majoritarian bias favored rotation of power among competing coalitions: the center-right under Berlusconi won in 1994, 2001, and 2008, and the center-left in 1996 and 2006 under Romano Prodi. Since 1994, formerly marginalized political parties such as the post-fascist National Alliance, the xenophobic Northern League, and post-communist parties have regularly been included in ruling coalitions. These coalitions have been unstable, however: many new parties emerged and disappeared from the political arena, competing within those coalitions or creating new centers of power.

Despite the alternation of power, Berlusconi has been the dominant actor in Italian politics since the mid-1990s. For much of this time, his influence on the media, the lack of a serious criminal conviction or other mortal political wound (in part linked to “ad hoc” laws to neutralize criminal accusations), and the weakness of the opposition have allowed him to maintain high levels of popularity and consent, maintaining a crucial role in Italy’s democracy. However, his often polarizing politics, continuous blurring of the lines between policy and personal interest, and penchant for becoming the subject of dramatic scandals have brought worldwide notoriety and strong criticism. By spring 2011, commentators started to talk of the decline of the Berlusconi era in Italian politics. In the early months of that year, judicial evidence of the prime minister’s private parties, frequented mainly by young women who were rewarded for their participation, scandalized the public. As of June 2011, Prime Minister Berlusconi is on trial for accusations that he paid for sex with a 17-year-old girl and then allegedly used his influence to secure her later release from police custody. Such episodes dramatized the longstanding conflict between the prime minister and the judiciary and have finally resulted in a decline in support for Berlusconi and his party, as was evident in the party’s disappointing performance in the May 2011 local elections.

In addition, difficulties concerning the Berlusconi government’s economic policy have recently become more evident, as stated by the National Institute of Statistics: “In the decade 2001–2010 [when Berlusconi was prime minister for more than 8 years] Italy realized the worst performance in terms of economic growth among all EU countries, with an average GNP increase of just 0.2 percent, compared with 1.3 percent in the EU.” In the same years, the fiscal burden on families—notwithstanding that tax reduction has always been the main feature of Berlusconi’s electoral program—increased from 27.9 percent of salaries in 2000–2005 to 29.9 percent in 2010.

Finally, internecine conflicts emerged within Berlusconi’s People of Freedom (PDL) party, where criteria for succession are undefined and several factions are trying to increase their influence. At the same time, Berlusconi benefits from the divisions among heterogeneous opposition parties, which have not managed to put forward a credible opposition alliance, and by the electoral law, which has a strong majority bias. As in the last decade, Berlusconi’s influence on traditional media may strengthen the appeal of his populist messages. There is a risk, however, that the uncertainty over Italy’s transition to a post-Berlusconi era may lead to a new phase of institutional and political instability.
ACCOUNTABILITY AND PUBLIC VOICE

General elections are held regularly and within a legal framework that guarantees universal participation and equal opportunity to compete. Voters elect their representatives in the National Parliament; in regional, provincial, and municipal assemblies; and in the European Parliament, each with a different electoral system. The parliament is bicameral and consists of the 630-seat Chamber of Deputies and the 315-seat Senate, plus former presidents and 5 presidential nominees. The national government requires the vote of confidence of the two chambers. The Chamber of Deputies and the Senate have the same competences and authority, and serve five-year terms. The president, mainly a symbolic role, is elected for seven-year terms by the parliament, plus representatives of each region. Electoral authorities composed of judges chosen by lottery in the Supreme Court and the Appeal Courts regulate elections. An internal commission (Giunta delle elezioni) nominated by the president of the respective assembly, with a composition reflecting the relative size of the various parliamentary groups, verifies candidate eligibility and validity of elections for each chamber.

The electoral law was changed in 1993 from a proportional to a mixed system, with single-member districts determining three-quarters of parliamentary seats. While it is not formally laid out as such in the constitution, the prime minister has since then been in effect directly invested, strengthening the role of the premiership within the executive and in its relationships with the legislature. The electoral system was reformed again in December 2005 by the center-right majority, following intervention by Prime Minister Berlusconi,\(^6\) reportedly to prevent the anticipated victory of the center-left coalition led by Romano Prodi in the April 2006 election.\(^7\) A closed-list system of proportional representation was established with a strong premium given to winning coalitions—at least 54 percent of the seats, whatever the margin of victory—for the Chamber of Deputies, and a similar premium in each region’s allotments of Senate seats. As a consequence, party leaders largely control the selection of parliamentarians. After the center-left coalition, fragmented in a dozen parties, won the 2006 Senate elections by a few seats, Berlusconi denounced the results as electoral fraud and demanded a recount.\(^8\)

Romano Prodi’s fragile coalition government lost the parliament’s confidence in February 2008. The subsequent elections, held in April, were won by Berlusconi’s center-right coalition, which consisted of the PDL (an aggregation of Berlusconi’s Forza Italia and the post-fascist National Alliance) and the Northern League. The coalition garnered 46.6 percent of votes in the Chamber of Deputies and 47.7 percent in the Senate. Following a steady decline of electoral participation over the last few decades, the 2008 general elections registered the lowest participation in the history of the republic, with 19.5 percent abstention.\(^9\)

The mainly center-left opposition continued to struggle, losing control of several regions in the March 2010 local elections. In the May 2011 local elections, however, the center-right parties suffered a significant decrease of electoral success, especially in central and northern Italy: in Milan, for the first time since 1993, the mayor came from the center-left coalition, as well as in Naples, where a political outsider and former judge won with 65 percent over the center-right candidate. The disappointing result for the right increased tensions with the allied Northern League, whose electorate has become gradually more critical of the alliance with Berlusconi. Moreover, the split with former allies Pier Fernando Casini (leader of the Union of the Center, a Catholic party) and Gianfranco Fini (leader of the right-wing Future and Freedom party) has weakened the center right’s parliamentary majority.

Regulation of public financing of political campaigns was introduced in 1974. Since then, repeated modifications—with little public support—have consistently increased electoral reimbursement limits, funneled funds to central party offices, and failed to effectively control private financing sources or electoral expenses. Since 1993, when a popular referendum abolished public financing of political parties, there has been an automatic reimbursement calculated as a fixed quota of each vote garnered. Further regulation in 1999 and 2006 increased the per-vote
reimbursement amount, distributed it over the entire legislature, and established mechanisms to ensure media access and electoral opinion polling. Legal private contributions are rare due to strict regulation and general public skepticism. However, formal controls and enforcement of finance regulations are lacking and ineffective, and parties have no incentive to reveal (often irregular or illegal) revenues and expenditures, resulting in massive underreporting of private contributions.\textsuperscript{10}

In four regions of southern Italy (Sicily, Calabria, Campania, and Apulia), an extensive market for votes, controlled by criminal organizations, undermines the quality of the political process. Blocks of votes are exchanged for judicial protection, contracts, information, and favorable political decisions.\textsuperscript{11} Political collusion with criminal organizations is rampant. Salvatore Cuffaro, for example, was re-elected as president of Sicily in 2006 while under trial for collusion with organized crime. Cuffaro was convicted in 2008 and sentenced to seven years, and later jailed in 2011. Similarly, the Tribunal of Naples in November 2009 requested permission from the parliament to arrest Nicola Cosentino, then vice-minister of the economy in the Berlusconi government and regional coordinator of the PDL in Campania, for providing support to the organized crime group Camorra. The request was denied by the Chamber of Deputies but confirmed in 2010 by the Supreme Court.\textsuperscript{12}

The constitution establishes, and the Constitutional Court enforces, the balance of power. A third of the Constitutional Court’s 15 members are appointed each by the president, a qualified majority in the parliament, and the Supreme Judicial Courts. Disputes between the executive and the judiciary do arise, however. A frequent subject of judicial inquiries for corruption and financial crimes, Silvio Berlusconi accused the Constitutional Court of political bias when it partly abrogated laws that might have granted him immunity from trial.\textsuperscript{13} Berlusconi has repeatedly criticized judges investigating him as “subversives,” “members of a criminal association,” “mentally disturbed,” and “cancer of our democracy that we have to sever.”\textsuperscript{14}

Recruitment and advancement in the public service, which had 3,312,000 employees in 2009, are competitive and generally based on length of service. Exceptions in the bureaucracy are numerous, however.\textsuperscript{15} Since 1998, senior civil servants have been directly appointed and dismissed by the political authorities, generally on the basis of personal relationships and partisanship rather than merit.\textsuperscript{16}

There are few access points through which civic groups and nongovernmental organizations (NGOs) can influence national policy, although some opportunity for consultation exists at the local level. Civic groups and NGOs are free from legal impediments from the state and onerous registration requirements. Many of them have, however, lamented limited access to public funds and lack of incentives for private funds.\textsuperscript{17}

Italians enjoy freedom of expression and open media access without censorship. There has been since 1994, however, a flagrant conflict of interests involving Berlusconi’s political positions and his role as head of an economic empire of insurance, banking, construction, advertising, cinema, football, and news media. Berlusconi owns Mondadori, one of Italy’s major press and publishing groups, and Mediaset, which controls three commercial national TV and radio channels. Law 112/2004, approved under Berlusconi, lowered the limits on concentration in media ownership and advertising. Moreover, the executive indirectly controls the three channels of state-owned broadcaster Rai, fostering self-censorship and political interference.\textsuperscript{18} Agcom, the communication oversight authority has occasionally criticized the imbalance, but there are limited means for redress, as Agcom has inadequate punitive powers.\textsuperscript{19} Since television represents 80 percent of the population’s primary news source,\textsuperscript{20} the state’s control of television has a noteworthy effect on electoral choices and public debate. There is a correlation between political majorities and emphasis in the news on issues of crime and security, which are traditionally center-right priorities. In 2010, public coverage of these issues was more than double that in the United Kingdom, Spain, France, and Germany.\textsuperscript{21}

A draft law, published in June 2009, approved by the Senate and under discussion at the Chamber of Deputies, would severely punish with up to three years imprisonment and heavy fines
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journalists and editors who publish information from wiretaps on individuals involved in a judicial procedure before the conclusion of its preliminary phase, which generally last years. Critics noted the potential use of the draft law by Silvio Berlusconi and members of his coalition involved in judicial inquiries.

Legal harassment of journalists is rare, even if the threat of criminal defamation charges and civil lawsuits has been used to discourage investigative journalism. Several journalists investigating organized crime were subject to intimidation, and ten live under permanent police protection, including Roberto Saviano, author of bestseller *Gomorrah*, who denounced the dominance of the Casalesi clan over economic and political life in Campania. In November 2009, Berlusconi declared he “would strangle” writers and filmmakers who tarnish Italy’s image by focusing on Mafia affairs.

Diffusion of information and communications technology is slow because of inadequate infrastructure and scarce public investment. In 2010, only 59 percent of Italian families had at least one member with internet access, putting Italy in the bottom 5 of 27 European countries. Decree 144/2005, supposedly enacted to fight terrorism, requires a license to offer wireless services, official identification of users, and recording of personal data. The number of Italian wireless hot spots is consequently 75–80 percent lower than many European countries. In December 2010, a decree cancelled the obligation to identify those with public wireless connections.

State funding of press, local radio, and other broadcasting, introduced in 1981, was reduced by Decree 112/2008, which limited the access of official party newspapers, cooperatives, and nonprofit media to a fixed and decreasing amount of direct subsidies. Since almost two-thirds of advertising revenues are collected by television broadcasters and the remaining quota mainly shared by major editorial groups RCS and Mondadori, many small-scale newspapers and radio are now at risk of closure.

CIVIL LIBERTIES

Italy performs relatively well in terms of formal protection against extrajudicial execution and other violence by officers of the state, but there is still no law against torture, in spite of the signature of the UN Convention in 1987. Occasional instances of detainee abuse persist, as demonstrated by judicial investigations and even sentences against police officers for excessive use of force, especially against migrants, young people, and protesters. For example, in a couple of recent scandals, two young people—Federico Aldrovandi in 2005 and Stefano Cucchi in 2009—were allegedly beaten by police officers during and after their arrest, leading to death in both cases (in the case of Aldrovandi, the Italian state admitted its responsibility and paid damages to the family). Public outcry enabled magistrates to initiate inquiries and prosecute the responsible parties.

Most prominent among police abuses are the two trials against 75 police officers for mistreatment of anti-G8 protestors at the 2001 Genoa summit, when law enforcement officers were alleged to have committed numerous human rights violations against Italian citizens and foreign nationals. In March and May 2010, the Court of Appeal of Genoa convicted 69 police officers, among them senior officers who did not prevent or stop violence. Other charges included excessive use of force by 13 police officers during police raids of a demonstrators’ dormitory in Diaz School and by 15 police officers in Bolzaneto prison, where protesters were held and allegedly tortured after their arrest. The judges of the trial on violence in Bolzaneto prison lamented that most of the crimes had expired due to the statute of limitations, which would not have applied if Italy had introduced torture as a specific crime. The prosecution of officers of the state for violent crimes has in other cases been limited by an informal code of silence among police officers and by the lack of transparent procedural rules. Long-running trials and the consequent postponement and obstruction of some charges have thwarted effective punishment when evidence of abuses has emerged.
A 2005 Amnesty International report documented the unhygienic conditions in holding cells for undocumented migrants, and the denial of basic rights to migrants, in addition to other violations. A 2009 immigration law extends from two to six months the maximum period of detention without charge permitted for undocumented migrants. According to a Doctors without Borders report, in such centers, “malfunctioning continued to occur in numerous forms and there were episodes of scant respect of fundamental rights . . . including lack of contact with the National Health Service, insufficient health, legal, social, and psychological assistance, and numerous signs of malaise among those interned.” As in the case of other national emergencies such as organized crime and international terrorism, irregular immigration became a criminal offence as of July 2009 and has been treated as a security emergency, resulting in the use of extraordinary measures that raise the risk of arbitrary detention and other violations. Moreover, law 94/2009 allows detention without trial of immigrants who fail to show proof of legal residency. In April 2011, the EU’s Court of Justice ruled that law 94/2009 conflicts with the European directive on repatriation and should not be enforced.

The state refrains from violent attacks on political opponents, NGO workers, and members of civic groups. Protections against arbitrary arrest are effective. However, cases of long-term detention without trial are frequent, given the inefficiency of the judiciary system. In February 2011 42.1 percent of inmates—almost 28,500 people—were under pre-trial detention, against an average among EU countries of 24 percent. Italy’s rate of prison overcrowding is one of Europe’s highest, and one of the consequences of poor conditions is frequent suicides among convicts. Despite a 2006 pardon that decreased sentences for a wide range of offenses, the government has not addressed prison overcrowding, and has actually criminalized additional offences, which has worsened the situation. Situations of arbitrary detention may also result “from the unreasonable length of criminal proceedings and from excessive recourse to remand detention.”

Powerful and widespread organized crime has heavily undermined state capacity to protect citizens, especially in the south. Organized crime hampers economic development, as racketeering discourages investment. Organized crime also threatens basic rights of the population that lives in these areas, given the groups’ capacity to control territory. While police action and judicial investigations have been effective at times, judges and public prosecutors have asserted that new laws reduced their investigative capacity—as in the case of law 45/2001, which limits informants’ roles in inquiries on criminal organizations, or the legal restriction on wiretapping. There have also been budget cuts in the areas of public order and security, including a cut of 0.7 percent in 2010–2011 and further reductions of 0.5 and 0.2 percent in the coming years.

Despite antitrafficking laws, Italy is a transit and destination country for trafficked men, women, and children, specifically for forced prostitution and exploitation of labor. Major antitrafficking crackdowns, with hundreds of arrests, were carried out in 2006 and 2007, but the government did not sufficiently follow up on these operations, leaving potential trafficking victims with inadequate protection.

Although some Italian regions and local administrations have ombudsmen, these institutions are rare and their powers insufficient. A 2010 law abolished the position of municipality ombudsman because of shortage of resources and lack of trust in its effectiveness.

The constitution recognizes that men and women are entitled to equal enjoyment of civil and political rights. Many institutions have groups designated for the promotion of equal opportunity, in charge of protecting women from discriminatory or abusive customs and practices that infringe on their personal autonomy and security. Nonetheless, Fascist-era legislation, late to be recalled, made women legally dependent on their fathers and, later, their husbands. The Catholic Church has also lobbied against certain women’s rights, especially reproductive rights. Abortion has been legal since 1978, but medical doctors can invoke conscientious objections to avoid the procedure, meaning the right to this procedure is jeopardized in practice. A 2004 church-supported fertility law prevents sperm and egg donation, limits the number of implantations that can be administered at one time,
and bans the use of unused embryos for disease research. Italy has also been very late to approve the drug RU-486, which can only be administered in hospitals. In 2010, Italy scored 74 out of 134 countries in the Global Gender Gap report, losing 7 positions since 2008 due to wage inequality, the low level of women’s public and private enterprise leadership, and the limited presence of women in ministerial positions and national and local legislative bodies. Labor market reforms put in place in 2003 increased flexibility, but have further penalized working women, who are usually employed in less protected sectors.

The constitution recognizes equal civil and political rights for all citizens regardless of ethnic and religious group. This notwithstanding, in 2009, according to a Eurobarometer survey, 22 percent of Italians—the highest level in the European Union—reported that they personally felt discriminated against on the basis of age, gender, ethnic origin, disability, religion, or sexual orientation, while 26 percent witnessed someone being discriminated against or harassed on the basis of such characteristics.

In January 2010, 7 percent of the regular resident population of Italy were immigrants, a figure that has more than doubled since January 2004. Larger ethnic groups are from Romania, Albania, Morocco, China, Ukraine, the Philippines, and Tunisia. This rapid increase has exacerbated social tensions. In 2009, Amnesty International denounced increasing intolerance, especially against the Romany community. In a comparative study on eight European countries, Italy showed severe signs of mistrust and intolerance: Italy had the highest percentage (62.5 percent) of people who thought there are too many immigrants in their country, and the highest percentage of anti-Muslims statements such as “Muslims are too demanding” (64.7 percent). Moreover, 71 percent believe that discrimination on the basis of ethnic origin is very or fairly widespread. According to the European Network Against Racism, “in 2009 there has been a dramatic increase in the vulnerability of migrants to racism and discrimination. Although some categories such as Roma and Sinti or Northern Africans have experienced more incidents of racism, strong anti-immigrant feelings have generally affected all nationalities and groups.”

The Berlusconi government has taken an increasingly hard line against irregular migrants and asylum seekers, with restrictive and criminalizing provisions included in the 2009 “security package.” Moreover, policies of control and forced evictions for Roma and Sinti have been systematically applied at the local level, while “basic human rights of asylum seekers such as nonrefoulment have been violated by the policy of interception at sea and by special agreements with Libya.” In the first months of 2011 the political crises in Libya and Tunisia increased the flux of migrants coming by sea dramatically, generating a “humanitarian crisis.” In January 2010, the southern town of Rosarno, in Calabria, saw the outbreak of race riots, which were reportedly sparked when local organized crime groups provoked African immigrants working in the area.

There is very limited recognition of civil rights for sexual minorities. While discrimination by sexual preference is formally prohibited, all attempts to ensure legal protection for homosexual couples to date have failed because of heavy opposition from the Catholic Church and the center-right political spectrum, as well as divisions in the center-left coalition. In May 2011, after almost three years of debate and attempts to find bipartisan agreement, a bill to prevent discrimination and violence against homosexuals was rejected in the justice commission of the Chamber of Deputies by the center-right majority. This was notwithstanding the support of the Ministry for Equal Opportunities.

Despite formal equality, the labor market remains polarized, particularly in sectors such as construction, agriculture, and domestic services, where migrants and/or women are the majority and irregular forms of employment dominate. While regulations to improve accessibility for disabled people exist, voluntary associations decry their low degree of implementation.

The constitution guarantees freedom of religion, stating that “all religious faiths are equally free under the law.” However, while there is no official state religion, the Catholic Church enjoys several privileges, including 0.7 percent of tax returns, several fiscal exemptions for its commercial and religious activities, and the power to appoint religion instructors in public schools. The state has
no influence over religious appointments. Agreements with other religions also exist (with the exception of Islam) but there is no general law of religious freedom. Mosque construction has been a source of debate; center-right local governments oppose construction because of presumed risks for security and religious purity. In 2007, the national government began to monitor mosques for extremist messages, with the declared aim of fighting terrorism.

The constitution recognizes every person’s right to freedom of association and assembly. The state also respects the right to form, join, and participate in free and independent trade unions, as well as the rights of civic associations, business organizations, and political organizations to organize, mobilize, and advocate for peaceful purposes. State material support for voluntary associations has been declining in recent years, however, due to the financial crisis. Trade union density in Italy is above the EU average: 35.6 percent of employees were members of one of the three main trade unions in 2008 (retired employees excluded), representing a decrease from 38.1 percent in 1995. The three major union confederations are the General Confederation of Italian Workers (CGIL), with 47.8 percent of total union membership in 2008; the Italian Confederation of Workers’ Unions (CISL), with 36.7 percent; and the Union of Italian Workers (UIL), with 15.5 percent. While CGIL has traditionally been linked to leftist parties, CISL to Catholic parties, and UIL to the non-communist, reformist left, since the 1960s the three main unions had developed instruments of coordination that allowed them to influence labor and economic policy effectively for decades. Recently, however, the internal divisions widened after the refusal of CGIL to support the reform of the collective bargaining system in January 2009 and to agree with an industrial restructuring plan presented by manufacturer Fiat and submitted to a workers’ referendum in June 2010 and January 2011. In recent years the divisions among the three unions, combined with their declining membership and the fragmentation of workers’ representation in an increasing number of other confederations and independent unions—especially in the transport and public services sectors—have weakened their role in industrial relations and policymaking.

Demonstrations and public protests are allowed, but there are constraints on protest rights, with considerable state discretion in prohibiting public demonstrations or imposing limits on their development. Public criticism against the use of excessive force against demonstrations is occasionally made, particularly in the case of antiglobalization protests like those in Genoa in 2001. Unconventional forms of political participation are particularly widespread in Italy. This was especially true in the 2000s, when protests focused on issues of social justice and peace. In a 2005 comparative study of eight European countries (among them Germany, France, and the United Kingdom), Italian young people (aged 15 to 25 years) were by far the most inclined to political protest, including illegal and violent forms.

Rule of Law

Italy has a tradition of civil law but since 1988 has used a hybrid of inquisitorial and adversarial procedures. The government generally respects judicial independence, though a number of cases of judicial corruption have arisen, particularly in relation to judges’ relationships with organized criminal networks and wealthy entrepreneurs. The Italian judiciary’s principle weakness remains the excessive delays that plague court proceedings, which defendants can take advantage of to prolong trials until the statute of limitations has lapsed.

Italian judges and magistrates are formally protected from interference by the executive and legislative branches. The doctrine of compulsory prosecution, according to which a prosecutor must press charges in cases with evidence sufficient to support a conviction, generally prevents the government from interfering in the administration of justice on behalf of its allies. Judges themselves consider the requirement an important protection against political use of the law. Recruitment into the magistracy is based on competitive examinations open to all with a university degree in law. Career and disciplinary issues are decided by the Supreme Council of the Magistracy
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(CSM), which is composed of members of the judiciary elected through the lists of associations with different political orientations.

The appointment, promotion, and dismissal of judges and public prosecutors is the responsibility of the CSM. The Berlusconi government recently proposed several laws to increase the number of political appointees to the CSM, to separate the ranks of judges and public prosecutors, and to empower the Ministry of Justice to define priorities in criminal prosecution. The National Association of Magistrates (ANM) has strongly resisted these attempts, with frequently high tension between the ANM and the government.

Several conflicts have developed, particularly over political corruption, between the judiciary on the one side, and the legislative, executive, and other governmental authorities on the other. The parliament has systematically denied judicial requests for investigations or arrest against its members, especially in corruption investigations. Only after the Supreme Court issues a final judgment against a member of parliament is the corresponding chamber unable to prevent arrest.

Laws related to the statute of limitations have been particularly controversial. Many of these measures were reportedly pushed through parliament quickly in order to serve Berlusconi’s judicial interests. The 2002 law allowing the transfer of jurisdiction based on the legitimate suspicion that a fair trial was unlikely, for example, was reportedly proposed on behalf of Berlusconi to allow his defense attorneys to drag out cases against him long enough to exceed the statute of limitations. The perception that these laws were intended to benefit Berlusconi and other government allies likely provoked a high number of adverse judgments of the Constitutional Court, which was asked to evaluate the laws’ conformity with the constitution. In particular, complete and partial abrogation by the Constitutional Court, in December 2010, October 2009, and January 2004, has sunk three measures on penal immunity and suspension of participation in trials that were directly designed to provide legal safeguards for Prime Minister Berlusconi against pending judicial inquiries into his affairs. As a result, the tensions between the executive, supported by its parliamentary majority, and the judicial branches of the state have escalated, with a shift of the focus of public debate from the issue of corruption to the allegation that judges are politically biased. Following the Constitutional Court rejection of the law providing his immunity from prosecution, Berlusconi evoked the prospect of a civil war between what he considered to be subversive prosecutors and an executive legitimized by its electoral majority.60

Berlusconi has been the center of numerous ongoing trials and has been notoriously uncooperative in those procedures. Some of these cases implicated members of the judiciary. In 2006 and 2007, for example, Judge Vittorio Metta was sentenced for corruption in two major cases, Imi-Sir and Mondadori. The latter case concerned a trial that ended with the handover of the Mondadori editorial group to Berlusconi, whose lawyer and former defense minister, Cesare Previti, was also found guilty of bribe-paying.61

There is indication that organized crime groups exert pressure and influence to secure the appointment of preferred judges and that those judges rule in favor of said groups in return. In May 2011, a judge in Imperia was arrested for decreasing sentences for affiliates of organized crime.62 In 2008, 86 individuals were accused of corruption in judicial procedures, more than double the 2006 figure.63 Judicial involvement in anticorruption investigations, however, demonstrates the degree of judicial autonomy.

The constitution guarantees presumption of innocence, the right to counsel, and due process. The judicial system’s main problem is the excessive length of time to complete judicial procedures, which the European Court of Human Rights has repeatedly criticized.64 For example, the conclusion of a penal trial in 2008 in Italy required an average of 1,291 days, almost 4 years.65 A proposed law that limits the possible duration of civil and penal trials, which would expire when limits are exceeded, was under discussion in the Chamber of Deputies as of spring 2011 after Senate approval in January 2010. According to the ANM, however, if it is not accompanied by reforms capable of notably reducing the length of the procedures—none of which have been proposed—such a law would cause the termination of about 50 percent of trials in Rome, Bologna, and Turin, and 20 to 30
percent in Florence, Naples, and Palermo. The CSM estimated the cancellation of a percentage ranging from 10 to 40 percent of all trials, up to 47 percent in some areas. The Ministry of Justice limited the estimate to 1 percent of trials. Such a measure, besides encouraging the use of delaying tactics among defense lawyers, would benefit Berlusconi in an ongoing case regarding his former tax lawyer, David Mills, who was charged with accepting bribes in exchange for giving false testimony.

Italy has a tradition of civilian control over the security forces, which in the past have had limited autonomy from the executive. While the Carabinieri and financial police are part of the army, the Italian police force is civil. Nevertheless, it was only in 1981 that legal reforms recognized the rights of police officers as workers, allowing unionization. The abolition of provisions against the recruitment of women in the police forces has increased their presence to up to one-third of the force. An antidiscrimination provision that mandates equal treatment in employment regardless of age, sexual orientation, or religion, further opened employment opportunity in the force. In 2000, the Carabinieri became an autonomous branch of the armed forces.

Police, military, intelligence services, and internal security services refrain from political interference and involvement, however abuses of power and corruption within the police and military forces are not uncommon. Judges have lamented interference (especially from the police) that risked jeopardizing investigations into these abuses. Perceptions of corruption within the security forces are significant. According to the 2009 Global Corruption Barometer, 30.9 percent of Italian citizens perceive police to be extremely or quite corrupt. Similarly, according to the 2009 Eurobarometer, 32 percent of Italians think that bribes and abuse of power for personal gain are widespread in the police service, an increase of 10 percent since 2007. There has been no reform in this area, where limitations on independent inquiries and high éspirit de corps increase the potential for corruption.

There is limited accountability and low professionalism among the Italian police. Police unions have lamented that budget cuts on security issues have reduced their capacity. The creation of specialized bodies for intervention in public demonstrations has been ineffective: since the Italian police forces have been accused, and sometimes sentenced, for maltreatment of demonstrators—especially during the anti-G8 protests in Genoa in 2001—some of these bodies have been abolished.

The constitution and legislation guarantee private property rights. Expropriation is strictly limited to cases defined by the law for reasons of general interest, with due compensation. Such robust formal protection of rights is sometimes undermined in practice, however, as the slowness of judicial procedures weakens the effectiveness of enforcement.

ANTICORRUPTION AND TRANSPARENCY

While corruption was the catalyst of the 1990s political crisis, the issue quickly disappeared from the Italian political agenda. Electoral losses for politicians involved in corruption scandals have gone from mild to nonexistent in the last decade, as epitomized by Berlusconi’s electoral victories despite his several corruption and accounting fraud charges. Public interest in corruption has consistently decreased. A protest campaign, “Clean Parliament,” launched by the satirical actor and blogger Beppe Grillo, denounced the presence in parliament of 25 convicts (in some cases for corruption) in 2006 and 18 in 2008. In February 2010, the Anti-Mafia Parliamentary Commission approved an “ethical-electoral code” to prevent those implicated in Mafia-related crimes from contesting seats. However, 45 candidates convicted in Mafia-related crimes stood for local election in May 2010, and 11 won.

In 2010, Italy scored 3.9 out of 10 on Transparency International’s Corruption Perceptions Index. This was its lowest ranking since 1998, falling from 41 among 179 countries in 2007 to 67
of 178 countries, putting it among the bottom four EU states. According to the Council of Europe’s Group of States against Corruption evaluation report on Italy, “corruption is deeply rooted in different areas of public administration, in civil society, as well as in the private sector. The payment of bribes appears to be a common practice to obtain licenses and permits, public contracts, financial deals, to facilitate the passing of university exams, to practice medicine, to conclude agreements in the soccer world, etc.” The General Prosecutor of the Court of Accounts in 2009 estimated the monetary cost of corruption in Italy at between $72 and 86 billion annually.77

Such a high level of perceived corruption, uncommon for an advanced liberal democracy, is related, among other variables, to the structural inefficiency of the Italian public administration, fragmented in a wide plurality of offices and levels communicating with each other through highly bureaucratic channels.78 In decision-making processes, moreover, excessive formal regulation coexists with the frequent attribution of special or emergency powers, which are more vulnerable to corruption due to the lack of effective controls. This was demonstrated in a February 2010 case involving the Civil Defense Authority. The authority is able to award large public contracts without undertaking a competitive bidding process in situations that the government has deemed to be emergencies, for example during the aftermath of the powerful earthquake that hit central Italy in 2009. It was alleged in 2010, however, that the government had declared emergencies in a broad range of nonemergency situations, including the building of facilities for the 2009 G8 summit, and that bureaucrats accepted bribes in exchange for high-value contracts for these so-called emergencies.79

The overregulation of economic and social activities, combined with the formalism of administrative procedures and controls, produces uncertainty over rights and increases the arbitrary power of agents who have the authority to apply or interpret norms.80 As a consequence, in the Italian political-institutional environment, confidential information and the capacity to address or accelerate decision making, especially in sectors where considerable resources are at stake—e.g., public contracting procedures, licenses, concessions, etc.—have often been exchanged for bribes by public officials.81

Law 215/2004 on conflicts of interest outlines the incompatibility between the management of a company—not ownership as such—and government roles. However, it does not create any effective monitoring or prosecution mechanisms.82 The law does not constrain Berlusconi’s overwhelming influence, for example, over the media and the economic system. Ironically, the only potential conflict of interest identified for Berlusconi was his position as president of the Milan football club, a position from which he was forced to resign in 2004 and 2008, prior to assuming his role as prime minister. Moreover, the law does not include preventive measures for resolving potential conflicts of interest. Government members can only be investigated ex-post on a case-by-case basis by the Antitrust Authority, in respect of acts or omissions that have “a specific, preferential effect on the assets of the office holders” and “to the detriment of the public interest.” This general formulation has made regulation ineffective. In recent years the spread of public/private partnerships in the management of local public services has multiplied potential conflicts between private interests and public roles of officeholders, but similar situations are not regulated or enforced. The obligation of disclosure of public officials’ patrimonial assets, introduced for elected politicians in 1982 and extended in 2009 to the salary of senior officials and public consultancy fees, is in practice undermined by the ineffectiveness of verification of their truthfulness.

Italy lacks a well-organized and coordinated anticorruption strategy and has no method for determining the efficacy of anticorruption measures already in place.83 Anticorruption action has consequently been restricted to the sphere of investigation and punishment. In a cross-national study sponsored by the European Commission, based on opinions of high-level bureaucrats and citizens, Italy ranked 24 among the 27 EU countries for the quality and effectiveness of its anticorruption policies.84

An outline of the main measures that have shaped the existing Italian anticorruption framework over recent years shows a contrasting panorama. A pessimistic outlook—69 percent of Italian
citizens in 2009 believed that Italian governments have proved ineffective in the fight against corruption, and only 16 percent had a positive opinion—is justified by the quantity and relevance of several potentially corruption-enhancing laws approved in the last decade, including the decriminalization of false accounting (law 61/2002); the guarantee of immunity for holders of the highest offices of state (laws 140/2003 and 124/2008); the requirement of parliamentary authorization for prosecutors’ collection of evidence on members’ crimes and imposition of restrictive measures (law 140/2003); and the possibility of regularizing financial assets hidden abroad, even if derived from illegal or corrupt activities (law 102//2009). Several measures have been broadly characterized as explicitly designed to shelter Berlusconi from accusations. They also have had a more general adverse symbolic effect on the popular belief in impunity of rulers from corruption charges. Other measures produced broader adverse consequences, including the reduction of the statute of limitations—law 251/2005, which discouraged the recourse to abbreviated trial procedures and enhanced the ability of defendants to prolong trials, reducing the efficiency of the entire judicial system. An alarming—and increasing—proportion of all prosecutions for corruption fail simply because of such expiration, undermining the credibility of criminal law and the dissuasive power of sanctions.

Other legislative measures could further undermine judicial anticorruption efforts. A law proposal sponsored in 2008 by the former Minister of Justice Angelino Alfano would amend the rules concerning special investigative techniques and wiretapping, restraining also for corruption-related investigations the condition to start wiretapping, the time limit for which they can be used, and their cost. Even though investigation of Mafia and terrorism crimes is formally excluded from the limitations introduced by the law, often the existence of terrorist groups or criminal organizations is revealed by operations initiated with evidence of other related crimes (e.g., extortion, usury, falsification of notes and documents, etc.). Thus, the limitations on investigating these related violations could prevent authorities from identifying Mafia and terrorist crimes.

Anticorruption measures have not developed systematically. An Anti-Corruption High Commissioner established in 2003 was abolished in 2008, due to its inefficacy. A new body instituted in 2008, the Anti-Corruption and Transparency Service (SAET), is functionally dependent on the minister for the civil service and lacks adequate resources. Moreover, SAET, like its predecessor, has advisory, research, promotion, and coordination functions, but no investigation or prosecution powers. Its most notable activity is a report to the parliament and the October 2009 signature of two preliminary agreements with the Authority for Public Contracts and the Association of Italian Municipalities. The aim is to introduce, with Transparency International’s input, integrity pacts as a model for best practices in public contracting procedures. Since adherence to best practices would be voluntary, there is a risk that the outcome will be a patchwork of anticorruption initiatives, whose implementation would depend on the goodwill of local political and business actors.

In March 2010 the executive proposed an anticorruption draft-law, which has been approved in June 2011 by the Senate and is under scrutiny at the Chamber of deputys. This was arguably intended to reassure public opinion on the government’s ability to face the scandal that in February 2010 had hit several high-level bureaucrats and leading figures of the ruling center-right coalition with charges of bribery in public contracting procedures. The law consists of a heterogeneous set of norms on transparency and slightly increased legal sanctions.

In December 2010, a grassroots anticorruption initiative was launched by LIBERA (a network of anti-Mafia associations) and Avviso Pubblico (a network of local administrations). The initiative compiled 1.5 million signatures to send to the president expressing support for parliamentary ratification of international anticorruption treaties and implementation of a norm introduced in 2007 but never implemented that allows confiscation and social use of corrupt administrators’ assets.

There has been a constant decline in media coverage of corruption since the mid-1990s. Newspaper coverage of corruption decreased rapidly in the last decade and in 2009–2010 reached the lowest level since the 1980s. Political pressure and media control, and the public’s habituation
COUNTRIES AT THE CROSSROADS

to corruption stories, may explain this trend. Not only Italians seem increasingly difficult to scandalize, but also coverage of political corruption tends to be highly partisan. Allegations, especially those leveled at center-right politicians, tend to be presented as evidence of the political bias of the magistrates.

There is no whistleblower protection in corruption cases. In state services including public contracting, city planning, and the public health system, where corruption was systemic and internally regulated, reporting corruption has had adverse consequences for whistleblowers’ careers within the public administration. Whistleblowers have been ostracized by accomplices of corrupt agents as a form of punishment.

Sporadic cases of corruption within the education sector have emerged as well, including bribes to pass examinations or obtain diplomas, but they are not as pervasive as other types of corruption. There have also been allegations that nepotism and favoritism based on academic affiliation, rather than merit, have an undue influence on the awarding of jobs and promotions in the academic community.

The public’s right to access to information about public activities is the cornerstone of the administrative reforms that started in the 1990s. Legislative decree 150/2009 has strengthened its application. Transparency relates to total accessibility of information on any aspect of an organization, following a model of open government. Implementation has been slow, however. The monitoring activities of the National Commission for the Evaluation, Transparency and Integrity of Public Administration (CIVIT), which coordinates reforms, have been indefinitely postponed.

Italy scored 58 out of 100 on the 2010 Open Budget Index, tying for the lowest score in Western Europe. The parliament exercises strong oversight over the budget, but the budget lacks information on outputs, which is necessary to monitor its impact. The executive’s preparation of the budget does not typically include consultation with members of parliament, nor does civil society have any consultative role in the process. The Court of Accounts’ budget oversight is effective, but it does not have channels to communicate with civic groups, either to disseminate its reports or to receive complaints and suggestions. Sporadic small-scale experiments of participatory budgeting are promoted only at a local level.

Corruption and collusion are pervasive in public procurement because of the extent of resources at stake (79.4 billion euros in 2009), their inefficient allocation, and payment procedures. A government procurement code was approved in 2006 to simplify procedures and adapt to EU parameters. The implementation of new norms has been delayed and complicated by legal disputes and bottlenecks. In 2009, only 46.2 percent of public contracts exceeding 150,000 euros were awarded through an open and competitive procedure, 10.4 percent with a direct negotiation, and 24.6 percent with direct negotiation without public notice.

RECOMMENDATIONS:

- The duration of both civil and penal proceedings should be reduced through a simplification of judicial procedures, decriminalization of minor offences, organization of tribunal administrative offices according to management criteria, and public investment in the use of information and communication technologies for legal purposes.
- Political candidates with criminal records in corruption and Mafia-related crimes should be prohibited from running for both national and local office.
- Conflicts of interest, both potential and actual, should be more rigorously and severely regulated at all levels of government, defining clear and unequivocal criteria for incompatibility and limitations. This is especially true in the media sector, which
is crucial for the formation of public opinion. Effective controls by independent authorities, backed by enforcement mechanisms, should be correspondently implemented.

- The parliament should ratify the Council of Europe anticorruption convention, introduce regulations on private sector corruption and influence-trafficking, authorize the confiscation of corrupt administrators’ assets, simplify anticorruption regulations and extend their statutes of limitation, and introduce whistleblower protection.

- The anticorruption authority, made independent from the political power, should be assigned the authority to exercise effective and in-depth controls and investigations, with adequate financial and human resources.

- Procedures should be improved for redress in cases of citizens’ mistreatment by public officers and a law against torture should be passed.

- Democratic decision making procedures within political parties should be established.

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3 Between 1969 and 1982, 4,362 terrorist attacks have been counted, of which about three quarters have been attributed to the radical right: 164 people died in left-wing attacks, 186 in right-wing ones. Among them was the secretary of the Christian Democrat party, Aldo Moro, kidnapped and killed in 1977. See D. Della Porta and M. Rossi, Cifre crudeli. Bilancio dei terroristi italiani (Bologna: Istituto Cattaneo, 1984).
4 Thirty-six members of Parliament, more than fifty generals, many functionaries, journalists and entrepreneurs (among them Silvio Berlusconi) were affiliated to the P2 lodge. According to the Parliamentary Commission of inquiry, the political strategy of the Masonic lodge P2 was characterized by “a strong anti-system connotation and consequently by an indirect subversive orientation, reflected by Gelli’s allusions to eventual authoritarian solutions, which could also include a military contribution”. Cfr. Parliamentary Commission of inquiry on the P2 lodge. Final Report, approved on July 3, 1984. Cfr. http://italy.indymedia.org/news/2003/04/266325_comment.php, accessed May 20, 2010.
7 La Repubblica, March 15, 2006.
8 The Parliamentary Electoral Commission verified the result, stating on September 2007 its correctness. See S. Legnante and P. Corbetta, “Brogli immaginari e sindrome della cospirazione,” in Il Mulino, n.1, 2007. An opposite thesis conjectured an electoral fraud organized by the executive to favour the Forza Italia party, observing the unusual reduction of unmarked ballot papers (4.2 percent of votes in 2001, 1.1 percent in 2006 elections), their abnormal distribution in the country, and the steady reduction of the gap between centre-right and centre-left coalitions as votes were scrutinized. See E. Deaglio and A. Cremagnani, “Uccidete la democrazia!”, in Diario, November 24, 2006.
10 D. Della Porta and A. Vannucci, “Corruption and political financing in Italy,” paper presented in the workshop on corruption and political party funding, Villa La Pietra, Florence, October 2000.
12 According to the judges, he “received punctually electoral support from elections in which he was candidate,” reciprocating with his “guarantee of stability in relationships between Mafiosi entrepreneurship, public and municipal administrations.” See Tribunale di Napoli, Ordinanza cautelare contro Casentino Nicola, November 7, 2009, n.36856/01 R.G.N.R., n.74678/02 R.G.GIP.
13 La Repubblica, October 7, 2009.

15 The frequency of “extraordinary recruitment” without public concourse in the civil service has increased since 1999, when 6.8 percent of personnel in the public administration had a temporary contract. The percentage increased to 11.4 percent in 2003 and more than 14 percent in 2008; most of these—several hundreds of thousands—have been assumed without concourse due to the budget laws of 2007 and 2008. The lack of merit in recruitment is mirrored by the low qualification; only 23.6 percent of Italian public servants have a University degree. See L. Torchia, ed. Il sistema amministrativo italiano (Bologna: Il Mulino), 286–290.

16 In 2009 16.6 percent of the 9,500 public managers in local administration and 7.5 percent of the 68,700 public managers in Ministers has been politically nominated: authors’ own elaboration on data from the Ministry of Economy, General State Accounting, Personnell accounts 2010.


19 In 2008 the executive and its centre-right political majority had 54.2 percent of time in national broadcaster news, the opposition 31.4 percent; in 2009 the gap increased: 58.3 percent versus 23.6 percent (ISMM Ricerche, 2009: Un anno di informazione televisiva [Perugia: Morlacchi, 2010]). Over the period of 2001–2010, Berlusconi spoke directly in national broadcaster news for 10,260 minutes, while in the same period the leaders of the centre-left spoke 3,668 minutes altogether (La Repubblica, February 7, 2011, p. 9). During the 2011 administrative campaign, the Agcom fined up to 250,000 euros almost all national television news broadcasters for having offered a disproportionate amount of time to Silvio Berlusconi’s messages and speeches. Fines, however, do not seem to discourage effectively the imbalance of political information; moreover, they are always appealed to the administrative court and rarely paid (La Repubblica, May 23, 2011).

20 More specifically, in 2009, 93.5 percent of Italian citizens collected information on politics from TV channels (23 percent as unique source), 49.9 percent from newspapers, and 31.2 percent from radio. See “La partecipazione politica: differenze di genere e territoriali,” Instituto nazionale di statistica, March 8, 2010, http://www.istat.it/salastampa/comunicati/non_calendario/20100308_00/testointegrale20100308.pdf.


23 Reporters Sans Frontieres, World Report 2010: Italy.

24 Roberto Saviano, Gomorra (Milano: Mondadori, 2006).

25 Corriere della Sera, November 28, 2009.


35 The implementation of the Italian law, in fact, conflicts with the return policy outlined in the EU Return Directive, which adheres to the fundamental rights of the person and “precludes national rules imposing a prison term on an illegally staying third-country national who does not comply with an order to leave the national territory.” See
In 2009 irregular forms of employment in Italy amounted to 12.2 percent of the total, corresponding to 6.4 percent of GNP; the rate of irregularity was 24.5 percent in agriculture, 10.5 percent in commercial services.

In 2006 only 17 percent of elected Members of Parliament and 9 percent of ministerial officials were women, percentages that in 2010 have increased to 27 and 28 percent, respectively. See the World Economic Forum, *The Global Gender Gap Report 2010*. (Geneva: World Economic Forum, 2010), pp. 170–1.


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In 2006 only 17 percent of elected Members of Parliament and 9 percent of ministerial officials were women, percentages that in 2010 have increased to 27 and 28 percent, respectively. See the World Economic Forum, *The Global Gender Gap Report 2010*. (Geneva: World Economic Forum, 2010), pp. 170–1.


Eurobarometer, *Discrimination in the EU in 2009*, p. 65.

classification.pdf.

Ibid.

ampedusa-creata-una-crisi-umanitaria.

*I Il Sole 24 Ore*, May 18, 2011.

In 2009 irregular forms of employment in Italy amounted to 12.2 percent of the total, corresponding to 6.4 percent of GNP; the rate of irregularity was 24.5 percent in agriculture, 10.5 percent in construction, and 18.7 percent in commercial services. Istat, *Le misure dell’economia sommersa secondo le statistiche ufficiali. Anni 2000–2008*. (Rome: Istat, July 13, 2010).


According to World Bank, in 2010, Italian firms, to complete four activities, required on average 69 procedures—a number comparable at the OECD average, but with a high variation;

72  In 1996 30.6 percent of Italian electors saw corruption as the first or the second most important problem of the country. In the general election of 2001 the percentage of those who considered it one of the two most important problems fell to 5.5 per cent, and in the 2008 election only 0.2 per cent of Italian electors considered corruption the most important problem. Source: Author’s elaboration from Italian National Election Studies (ITANES) data.


76  Group of States against corruption (GRECO), Evaluation Report on Italy (Strasbourg: GRECO, July 2009), p. 3, 6, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval1-2(2008)2_Italy_EN.pdf. In 2009, according to a Eurobarometer poll, 17 percent of Italian citizens were offered or asked a bribe in the last 12 months, last bar four among 27 European Union countries, whose average is 9 percent. See Eurobarometer, Attitudes of Europeans towards Corruption.


79  Judges inquiring into corruption in civil defence contracts observed that “leading actors beyond the awareness of an instance of judgment and 1,197 in the appeal, totalling more than six years. See “Durata media effettiva dei procedimenti civili per le materie definibili con sentenza - Dato nazionale - Anni 2006 – 2008,” Ministero della Giustizia, October 4, 2010, http://www.giustizia.it/giustizia/it/mg_1_12_1.wp?previsiousPage=mg_1_14_1&contentId=SST453119.


81  Donatella della Porta and Alberto Vannucci, Mani impunite. Vecchia e nuova corruzione in Italia.
83 Group of States against corruption (GRECO), Evaluation Report on Italy, p.28.
86 Il Sole 24 Ore, February 1, 2011, p. 27.
88 Resources allocated to the anticorruption agency have been cut by 80 percent with the transition to SAET: the number of employees decreased from 57 to 17; a budget of approximately €6.5 million in 2006 was cut to €3.8 million in 2007, €2.5 million in 2008, and €1 million in 2009. See Servizio anticorruzione e trasparenza (SAET), Primo Rapporto al Parlamento (Rome: SAET, 2010), http://www.innovazione.gov.it/ministro/pdf_home/Rapporto_Parlamento_SAeT.pdf, accessed: February 11, 2011.
90 Cristina Zagara, Processo all’Università (Bari: Dedalo, 2007); Roberto Perotti, L’università truccata (Torino: Einaudi, 2008).
91 See for instance the “price” ranging from 500 to 3000 euro—depending on the difficulty of the examination—of the bribes paid in the faculty of economics at the University of Bari (La Repubblica, July 4, 2006).
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