



Press Office of the Constitutional Court

Press release of 9 June 2020

IMPOSING CUSTODIAL SENTENCES ON JOURNALISTS: PARLIAMENT GIVEN ONE YEAR TO ACT

Today, the Constitutional Court examined the questions raised by the Ordinary Courts of Salerno and Bari on the constitutionality of the custodial sentence envisaged for libel, with reference especially to Article 21 of the Constitution and Article 10 ECHR.

Pending filing of the order, expected in the coming weeks, the Press Office of the Constitutional Court provides the following information.

The Court found that the questions raised require a complex balancing exercise between freedom of expression of thought and the protection of reputation, both key rights within the constitutional order. Any adjustment – by now urgently necessary, in light of the ECtHR’s case law – of the balance struck is, first and foremost, a task for the Legislator.

As several draft laws on the subject are currently before Parliament, the Court, in observance of the principle of loyal collaboration between institutions, has postponed its discussion of the questions to the public hearing of 22 June 2021, so that the legislative chambers can approve new legislation on the topic.

Pending the Court’s decision, the criminal proceedings in which the questions as to constitutionality were raised remain suspended.

Rome, 9 June 2020