



Press Office of the Constitutional Court

Press release of 20 December 2019

INSULT AGAINST PUBLIC OFFICIALS: PUNISHMENT BY IMPRISONMENT FROM 15 DAYS TO 3 YEARS IS NOT UNCONSTITUTIONAL

The punishment of a prison term ranging from 15 days to 3 years attached to the offence of insult against public officials does not conflict with the principles of equality and proportionality. The ruling applies to the punishment as formulated since 2009 until summer 2019, when the *decreto sicurezza* (“Public Safety Decree”) entered into force. The *decreto sicurezza* raises the lower threshold for detention to 6 months.

This was established by the Constitutional Court in Judgment no. 284, filed today (Judge Rapporteur: Francesco Viganò), in which it declared unfounded the question of constitutionality raised by the Ordinary Court of Turin.

In 1994, the Constitutional Court had struck down the lower threshold of 6 months’ imprisonment then attaching to the offence, considering it disproportionate. At the time, the offence could be made out in case of insult against the honour or good repute of a public official in connection with the past or present exercise of his or her functions.

Since the 2009 amendments, the offence of insult must be committed “while” the public official is performing a legitimate action falling within his or her role. Thus, in addition to damaging his or her individual honour and the good repute of the public administration to which he or she belongs, the offence must impede the actual performance of the public official’s functions, as well as give rise to the risk that the offending reaction may develop into a threatening or violent act of aggression, on the part of the same offender or of third parties witnessing the events.

Therefore, the minimum threshold of 15 days' imprisonment envisaged by the legislator in 2009 cannot be considered manifestly excessive, in light of the non-negligible seriousness of the offence, according to the provisions of the Criminal Code currently in force.

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