



Press Office of the Constitutional Court

Press Release of 27 February 2020

DEFAMATION THROUGH THE PRESS AND THE IMPRISONMENT OF JOURNALISTS: THE INTERVENTION WITHIN CONSTITUTIONALITY PROCEEDINGS BY THE NATIONAL ASSOCIATION OF JOURNALISTS IS ADMISSIBLE

The National Council of the Association of Journalists (CNOG) is able to intervene within the proceedings concerning the constitutionality of provisions governing defamation through the press, which punish both the journalist and the responsible editor with imprisonment.

This ruling was made by the Constitutional Court in [order no. 37](#) filed today (author Francesco Viganò), which upheld as admissible the intervention by the Association within constitutionality proceedings concerning provisions that punish the offence of defamation through the press by imprisonment. The case will be discussed at a public hearing on 21 April 2020.

The order states that, according to the Supplementary rules on proceedings before the Constitutional Court, any intervention by a third party must be justified by “a qualified interest that is directly related to the substantive right averred in the proceedings”. Whilst such an interest is not in itself inherent within the CNOG's institutional role of representing journalism as a profession, it nonetheless has standing to intervene on the basis of its competence to decide on disciplinary appeals. The Law in fact provides that any criminal conviction entailing disqualification from public office automatically results in the cancellation

or suspension of the journalist from the Association, whereas in the event of any other criminal conviction the CNOG may launch disciplinary proceedings where the offence entails a violation of professional integrity and dignity or compromises the reputation of the journalist or the dignity of the Association. Therefore, a criminal conviction of the journalist or the responsible editor charged within the proceedings in which the question of constitutionality was raised would have specific consequences in terms of the launch of disciplinary action, which would impinge upon the ambit of the CNOG's powers and would "directly" relate to the specific substantive legal relationship averred within those proceedings (the state's interest in punishing the accused persons).

Rome, 27 February 2020