

[IT] text of the Government Bill to abrogate censorship

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In IRIS 1998-5: 15, we gave notice of a Government Bill, introduced into Parliament, intended to abrogate the provisions of the law No 161 of 21 April 1962 (Articles 6, 8 and 9), which still permit to subject the distribution of films in cinemas to the prior consent of a Government Commission. Furthermore, the Commission is charged with the decision of whether a film may be offered to children up to 14 or 18 years old. The text of the draft Bill is now available with its introductory report.

According to the Government, the relevant provisions of the law No 161 are based on an interpretation of the concept of " buon costume" which is not anymore consistent with the actual social context. The provisions, therefore, also lack coherence with a modern reading of the Article 21 of the Italian Constitution that enshrines the fundamental principle of freedom of expression and, thus, precludes general censorship. Accordingly, the revision of the text of the law No 161 seeks to abolish the possibility that an administrative authority completely bans certain films and thereby limits the fundamental right of freedom of expression. To this end, the draft foresees to abrogate the part of the law which gives this encompassing "banning power" to the Government Commission. However, to the extent that the Commission invokes " buon costume" in order to prevent minors from accessing certain movies and to avoid that the same movies could be broadcast on television respective limitations on the freedom of expression are viewed as constitutional and, accordingly, the relevant part of the current law will not be modified.

