[IT] AGCOM Regulation and Self-Regulatory Rules on the Representation of Judicial Processes in Television

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At the beginning of 2008 Agcom (the Italian Communications Authority) adopted Deliberation no. 13/08/CSP, pointing out the risks that arise from making a show of ongoing judicial processes in TV programmes, such as docu-dramas and docu-fictions, which reconstruct legal cases in spectacular and attractive ways, in order to increase the audience by creating a sort of media tribunal that almost replaces the real one and compromising objectivity and impartiality of information.

Throughout the above-mentioned deliberation, Agcom set out the following guiding principles for a correct representation of judicial processes on TV: media overexposure or artificial description of trials in progress, which make it hard for the viewer to have an appropriate comprehension of the facts, shall be avoided; on the one hand, the right to inform should not be affected, but on the other hand, the presumption of innocence of the defendant should be protected; information shall respect the principles of completeness, accuracy, fairness and protection of human dignity, avoiding turning private pain into a public show and implementing strengthened protections when minors are involved.

In addition to this deliberation, Agcom invited broadcasters, in association with the Italian order of journalists, to adopt a self-regulatory code in order to ensure the concrete implementation and enforcement of these criteria. This code was adopted in May 2009, and in addition to the transposition of Agcom's instructions into concrete rules for a proper representation of judicial processes in TV, it also provided for the establishment of a specific Committee charged with monitoring their compliance, as well as adopting measures in cases of infringement.

The Committee first met on 17 December 2009, and on the same date, the self-regulatory code came into force. On 18 July 2011, the working procedures of the Committee were adopted by the signatories of the code and then published on Agcom's website.

According to these procedures, anyone who considers a programme not to be compliant with the self-regulatory rules can report it in detail to the Committee, filling in the specific form available on Agcom's website. The Committee will screen all reports in advance, in order to verify their completeness, validity and admissibility, and, afterwards, the President of the Committee will choose a

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member from among Agcom's representatives as rapporteur of the investigation phase. The report will be transmitted to the broadcaster concerned, who can defend itself in writing, as well as ask for a hearing within 15 days. The Committee will also acquire the recording of the contested programme.

At the deadline, the rapporteur will inform the President of the closing of the investigation phase and email all relevant documentation to him/her. The President will then convene with the Committee, which will decide by absolute majority. Where an infringement of the Code is ascertained, the broadcaster will have to communicate it to the public within a suitable term and the deliberation will be published on Agcom's website.

Delibera n. 13/08/CSP - Atto di indirizzo sulle corrette modalità di rappresentazione dei procedimenti giudiziari nelle trasmissioni radiotelevisive, Gazzetta Ufficiale della Repubblica italiana n. 39 del 15 febbraio 2008

http://www.agcom.it/default.aspx?DocID=4572

Deliberation no. 13/08/CSP - Guidelines for a correct representation of judicial processes in TV, Official Journal No. 39 of 15 February 2008

Codice di autoregolamentazione in materia di rappresentazione di vicende giudiziarie nelle trasmissioni radiotelevisive sottoscritto 21 maggio 2009

http://www.agcom.it/default.aspx?message=viewdocument&DocID=4567

Self-regulation code on representation of judicial processes on TV signed on 21 May 2009

Regolamento di procedura del Comitato di applicazione del Codice di autoregolamentazione in materia di rappresentazioni televisive di vicende giudiziarie adottato il 18 luglio 2011

http://www.agcom.it/default.aspx?DocID=6951

Working procedures of the Committee for the enforcement of a self-regulation code on the representation of judicial processes in TV adopted on 18 July 2011

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