[IT] Ban on Distribution of a Film because of its Alleged Blasphemous Content

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The Government Commission in charge of reviewing films intented for public distribution in film theatres decided on 3 March 1998 not to licence the film "Totò che visse due volte", realised by the directors Ciprì and Maresco. The provision which gives the Commission such powers is contained in law No 161 of 21 April 1962 (Article 2). According to the same law, authors and producers can appeal against the decision before another Commission as well as before the Administrative Tribunals.

The decision is based on various grounds. The Commission inter alia considers the film to be blasphemous vis-à-vis the "religious sentiment of the Italian people", and therefore in breach of Article 402 of the Italian Penal Code. More precisely, the decision speaks of "contempt of religious and christian feelings". The Commission also based the decision on the concept of "buon costume", contained in Article 21 of the Italian Constitution as a possible ground to restrict the freedom of expression.

After the censorship decision, the economic grant already attributed by the Presidency of Council of Ministers to the film (ITL 1,178 billion) has been suspended. The grant was awarded on 22 December 1997 on the basis of Law No 1213 of 4 November 1965, for reason that the film was considered to be of "relevant national interest". Another consequence of the censorship decision is that the film cannot be shown on television.

Decisione della Commissione di revisione cinematografica of 3 March 1998

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