




*Il Rappresentante Permanente d'Italia  
presso il Consiglio d'Europa  
Strasburgo*

0260      Strasbourg,      26 MAI 2020

Monsieur le Directeur,

J'ai le plaisir de vous transmettre ci-joint, avec prière de bien vouloir la publier sur le site web dédié à la «Plateforme pour la protection des journalistes», les informations des Autorités italiennes concernant l'alerte 48/2020.

Je vous prie d'agréer, Monsieur le Directeur, mes salutations les plus distinguées.

  
Michele Giacomelli

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Matjaž GRUDEN  
Directeur  
Direction de la Participation Démocratique  
Conseil de l'Europe  
STRASBOURG

## Remarks following alert No. 48/2020

Following the alert under reference, dated May 5, 2020, we are in a position to provide the following information:

1. At present, defamation is defined under Article 595 as a damage to the reputation/honor of a person through communication with several persons<sup>1</sup>.
2. Various draft pieces of legislation aimed at amending the criminal discipline of defamation are under examination before the Italian Parliament. In this context, mention is to be made of Senate Act No.812. The amendments are aimed at limiting the use of criminal sanctions for defamation, and at introducing the abolishment of imprisonment as a sanction for defamation.
3. It must be added that by Legislative Decree No.7/2015 the offence of insult was abrogated, as a crime. It will thus become relevant only in the civil sector.

**To conclude**, Italian Authorities take this opportunity to reiterate the firm willingness to continue full cooperation with the Council of Europe Platform to promote the protection of journalism and safety of journalists.

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<sup>1</sup> Article 596 excludes the defence of justification (proving the truth of the allegation, *exception veritatis*), except for the cases of defamation through the allegation of a given act, in three cases: 1) when the defamed person is a public official and the alleged act relates to the exercise of his/her functions; 2) if criminal proceedings are still pending on the alleged act on the part of the defamed person, or if proceedings are brought against him or her; 3) if the complainant formally requests that the judgment should extend to ascertaining the truth or falsity of the alleged act.