Bringing Sexy Back? Italy Says No, for Now

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Italian parliament debates free expression and the protection of civil rights in advertising

By Cynthia Martens

Is banning a sexually suggestive ad considered viewpoint discrimination, or a defense of women's civil rights?

In October, members of the conservative political party Fratelli d'Italia, headed by Italian prime minister Giorgia Meloni, proposed amending a section of the Italian traffic code that addresses roadside advertising[1]. The law was last amended in September 2021 to ban "all forms of advertising whose contents advance sexist or violent messages, or offensive gender stereotypes or messages that harm the respect of individual rights, civil and political rights, religious creed or membership of an ethnic group, or discriminate based on sexual orientation, gender identity or physical and mental ability."

The 2021 amendment, introduced by then-legislators Alessia Rotta and Raffaella Paita, was widely applauded in Italy as a response to the prevalence of both advertisements that objectify women as well as incidents of domestic and sexual violence against women, with supporters arguing that the two phenomena are intrinsically linked.

Legislators Lucio Malan and Salvo Pogliese of Fratelli d'Italia, on the other hand, suggested that the 2021 amendment was overly broad in its drafting and an impermissible limitation on free expression that could result in absurd government censorship. They proposed narrowing the law to ban only "obscene or sexually explicit" advertising content, or that which "engages in or incites the commission of offenses under Art. 604-bis of the Penal Code or other crimes, or implicates the sexual image of individuals."

We spoke to Giulia Pastorella, a member of Italy's Chamber of Deputies and vice president of the Azione political party, for an insider's perspective.

"This attempt at backpedaling is absolutely dangerous. It's absurd that as the whole world considers how to limit this type of content on social media, my colleagues thought it makes sense to have sexist, homophobic or racist roadside billboards," she said, noting that in July, the City of Rome had sanctioned political advertisements depicting individuals from ethnic minorities alongside slogans such as "Subway pickpocket? Now you're going to jail — no excuses."

"We need to preserve a legal basis for eliminating discriminatory messaging everywhere, especially on the roads," Pastorella added.

The draft amendment was included in the annual review of the country's Competition Law (DDL Concorrenza), which also included a package of "Made in Italy" supply chain transparency reforms championed by the Italian fashion sector. Ultimately, however, under pressure to approve the annual budget, the government requested a confidence vote on the overall text and thereby dropped all amendments submitted in committee. As of October 29, Italy's ban on discrimination in advertising stands.

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1 Article 23 of D.L. n.285 of April 30, 1992, amendment 4 bis.

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