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Racism is not an opinion. Racism is crime!

To manifest loathing against persons or groups of people on the basis of skin colour, race, religion, descent, nationality or ethnicity constitutes prejudice, an irrational type of intolerance, and, above all, a crime that is punished by the Italian law.

The Italian Constitution condemns all forms of racism.

Article 3 states that:

"All citizens have the same social dignity and are the same before the Law, without distinction of sex, race, language, religion, political views, social and personal conditions". The Constitution refers both to Italian and foreign citizens, based in this country.

When is there Discrimination?

This occurs when any behaviour is directly or indirectly connected to attitudes of distinction, exclusion, restriction or preferences based on race, colour, ancestors, origin, or religion. This, by Italian law is Discrimination (art.42 del d.lgs. 286/98)..

It is an illegitimate behaviour, even if it is not intentional, because it destroys or jeopardizes the recognition, the enjoyment or the exercise of one's human rights and fundamental liberties.

On account of the critical nature of this phenomenon, the Italian law severely punishes the culprits.

According to the law n.654 of 1975 whoever spreads any form of ideas based on racial or ethnic hatred, or entices people to commit acts of discrimination based on race, ethnicity, nationality or religion can face up to a three year imprisonment term.

Whoever instead commits or entices people to commit acts of violence or provocation for the same reasons can face six month to four years imprisonment.

In addition to the general responsibilities applied to this kind of violation, other rules have been put through that foresee a responsibility for more serious violations.

Whoever promotes, organizes, directs associations, movements or groups that pursue antidemocratic ends, peculiar to the fascist party, threatening and using violence as their method of doing politics or doing propaganda, faces imprisonment from five to twelve years and is fined from €1033.00 to 10.330.00.

Whoever does propaganda for the constitution of an association, a movement or a group with fascist objectives and publicly exalts members, principles, facts or fascist methods, or antidemocratic aims will be punished and can face a prison term of six months to two years and a fine of € 206,00. to € 516,00.

Some of these legislative regulations furthermore deal with the prevention and repression of acts of genocide. Whoever acts with the aim of totally or partially destroying a national group, ethnic, or religious one, or directly commits grievous bodily harm against such groups will be prosecuted and faces a prison term of ten to eighteen years. If serious physical injuries are inflicted to the point of totally or partially destroying ones physical conditions the imprisonment term is of twenty - four to thirty years.

Thus, in addition there are a series of other regulations specially designed to stop those acts of genocide in the form of deportation, birth control and abduction of children.

Finally, it is against the law to hold public demonstrations manifesting symbols and emblems of

anti - racist organizations, associations, movements or groups.

It is often arduous to define what is considered discrimination and thus racism. Because of this, the law has defined this concept more clearly and provided a specific safeguard against discrimination that happens on the job or in relation to public administration official or shop owners and salespersons. Who commits discriminatory acts?

The majority of incidents involving discrimination take place in the work place and in the relationship with the public administration or shop owners and salespersons. An act of discrimination is committed by:

1. The public law enforcement official who in his duties when dealing with a foreign citizen does not act according to his code and discriminates unjustly, due to the fact that the latter is from a different country, a particular race, ethnicity, or nationality;
2. Whoever imposes more disadvantageous conditions or refuses to provide a foreign citizen with the welfare and services offered to the public due to the difference in provenance, race, religion, ethnicity or nationality (e.g. differentiated pricing at bars and cafés);
3. Whoever, illegitimately imposes more disadvantageous conditions or refuses to give entrance to a job, house, school, preparation to social services and social assistance to the legally resident foreign citizen in Italy solely for reasons based on the difference in race, religion, ethnicity or nationality (e.g. property rent);
4. The employer and his employees who commit any act or behaviour that produces prejudice discriminating, even indirectly, against foreign workers due to the difference in ethnic group, language, religion or citizenship.

What should you do?

If you have been a victim of discrimination you can appeal personally or through a lawyer, to the Civil Court in the city where you reside.

Once the discriminatory act has been examined the judge can accept your appeal ordering an end to such acts against you and ordering the removal of such effects. Furthermore, the judge can convict the guilty and order the person involved to pay you immediate legal damages.

For those who do not respect the decision made by the judge, there is an imprisonment term of up to three years or a fine from 103 to 1032 euro.

If the judge does not accept your appeal, you have another possibility within ten days from the judge's decision to present a formal complaint at the Court of Appeal.

Se invece il giudice dovesse respingere il tuo ricorso, hai un'altra possibilità: entro dieci giorni dal momento della notifica della sua decisione puoi presentare un reclamo alla Corte di Appello.

In addition to your right to demand an end to the offence, you may also file a complaint (denuncia/querela) at the Public Prosecutor's office of the place where the offence was committed and thereby request the arrest of who has committed the offence.

Even in this case, after having examined the case and attributed the responsibilities to who committed the act, the judge will order the payment of material and moral costs in favour of the victim of the offence who will be made a witness in the court case.

In addition to the penalty, the judge can order particular sanctions than can be in the form of specific obligations to be carried out by the guilty party.

The latter can be forced to carry out social work for the community without pay, have his/her

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driving license withdrawn, passport and other documents needed to travel withdrawn for a period of up to one year and can be banned from taking part in electoral propaganda for political or administrative elections.

These laws and regulations, albeit a guarantee of extensive safeguard for victims of acts of discrimination, contain gaps and difficulties in application.

Among these is the difficulty in providing proof of having become the victim of discriminatory acts. To this end the European Community Directive 2000/43/CE on the equal treatment of persons, regardless of race and ethnic origin, has been absorbed by Italy in law n.39 on March 1, 2002.

This law also provides the principle by which the burden of proof is on whoever has committed the discriminatory act.