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## **1 Protection of rights and discrimination**

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### **1.1 Protection of rights**

#### **312. Can a foreign citizen bring a case to court to protect one's rights?**

Yes, on an equal basis with Italian citizens. If you are not in Italy on a legal basis and you bring your case to court, then the State, except in specific cases, can expatriate/expel you.

#### **313. What is the appropriate court in this case?**

You can bring your case before a court in the Italian Justice system availing yourself of defence by a lawyer.

#### **314. How is the Italian Judicial System organized?**

There are several judges that are competent in the case of violation of individual rights: civil, penal and administrative judges, whose spheres of competence are regulated by Italian laws.

#### **315. Who is the Justice of the Peace?**

The Justice of the Peace is a honorary judge to whom you can turn to in the case of minor administrative disputes that do not exceed a certain economic value (e.g., neighbour disputes). The Justice of the Peace: presides over litigations about the highway code; has limited penal competences; and validates the measures of the Prefect in case a foreign citizen is expatriated from the national territory as well as the measures for escorting the foreign citizen to the border or holding him/her in a Reception Center.

#### **316. Which judge presides over cases related to my Permit to Stay?**

The competent court is the Regional Administrative Judge and if necessary you can file an appeal before the Council of State located in Rome.

#### **317. What is the cost of filing a case?**

There are fixed costs related to the type of disputes that are brought before the judge to which costs defence costs, for the lawyer, must be added. The Italian state guarantees everyone the right to a legal defence and safeguards those rights. Therefore, if you cannot pay for legal representation, then you are granted free legal aid under conditions set out by Italian national law.

#### **318. If I cannot pay a lawyer will I be assigned a public defender?**

No, the State grants you the possibility to be represented by a trusted lawyer of your choice. You will be granted free legal aid even if you do not have a legal Permit to Stay and have an annual taxable income as declared in the last income tax statements which does not exceed 10,766.33 (July 2012).

#### **319. I was reported for a crime but I do not know any lawyer: what can I do?**

In this case you will be assigned a court-appointed attorney, chosen from a specific list. If your income is above the requirement by law and you cannot apply for a free legal aid, then you have to pay the lawyer a honorary fee at the usual fare.

#### **320. What if I cannot understand the judicial acts?**

You have the right to nominate an interpreter for the translation of the judicial acts in your language. The cost of the interpreter can be charged to the State on the condition that the level of your income allows you access to the free legal aid provided by the Italian state.

## **1.2 Discrimination**

### **321. I heard there is a law safeguarding against discriminations. However, what does the law exactly mean by act of discrimination?**

Any behaviour that directly or indirectly differentiates, excludes, restricts or expands the rights of individuals on the grounds of race, skin colour, descent or national or ethnic origin, religion or belief, with the aim of destroying or compromising the recognition, enjoyment or exercise, on an equal basis, of human rights and fundamental freedoms in the political, social, and cultural spheres as well as in public life.

### **322. How can I safeguard myself against acts of discrimination committed by a private person or by the public administration?**

You can bring the case to a civil court, by nominating a lawyer, asking the judge to stop the detrimental/damaging/injurious behaviours and to adopt any other appropriate measure to undo the consequences of the discriminatory action.

### **323. I am a victim of discrimination but am afraid of the consequences of reporting the case. What can I do?**

The associations registered in a list at the Department of Equal Opportunities under the Presidency of the Council of Ministers can legally file a case in court in the name of and in defence of the victim of discrimination that is based on racial and ethnic origin.

### **324. I am a victim of discrimination at my work place. What can I do?**

The trade unions can file law suite to the court to defend the victims of discrimination in case of discrimination by an employer.