



“Think critically, live rationally and emphatically”

The Italian Constitution
as an instrument of equality
in contrast to any discrimination

There are many forms of discrimination that deny one category of people those rights that are guaranteed to all the others. These discriminations fall under the general principle of equal dignity and opportunity and concern gender differences, disabled people and all forms of discrimination based on age, ethnicity, faith, both in the workplace and in justice and social consideration.

In Italy, protection from discrimination is enshrined
by article 3 of the Constitution
which reads:

"All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions".

*... without distinction of sex = **EQUAL OPPORTUNITIES** of gender*

Equal opportunities are a legal principle understood as the absence of obstacles to the economic, political and social participation of any individual for reasons related to gender.

Art. 37 of the Constitution

The working woman has the same rights and, for the same work, the same wages as the worker. The working conditions must allow for the fulfillment of its essential family function and ensure special adequate protection for the mother and child.



Art. 51 of the Constitution

All citizens of any sex can access public offices and elected positions on equal terms, according to the requirements established by law. To this end, the Republic promotes equal opportunities between women and men.



The law may, for admission to public offices and elected positions, equate Italians who do not belong to the Republic to citizens.

Legislative Decree 11/04/2006 No. 198 known as the

"Code of equal opportunities between men and women" identifies the various forms of discrimination and prohibits any type of discrimination: in access to work;

in remuneration;

in work and career performance;

in accessing social security benefits;

in access to public employment;

in enlisting in the armed forces and special forces

enlisting in the armed forces and in the Guardia di Finanza;

in military careers.

The law also requires that the duties of employers in terms of attention to gender be clearly defined and explicitly expresses the opportunity to strengthen and encourage the development of female entrepreneurship.

Article 21 "Measures to ensure equal opportunities, well-being for those who work and the absence of discrimination in public administrations" is entirely dedicated to equal opportunities and the well-being of those working in the public administration.

It establishes that each Public Administration is obligatorily equipped with a "Single Guarantee Committee for equal opportunities, the enhancement of the well-being of those who work and against discrimination", which replaces and unifies the pre-existing committees for equal opportunities and committees against the phenomenon of mobbing.



There is talk of female quotas to indicate the number of places reserved for women in the staff of certain public and private structures: companies, educational institutions, decision-making bodies ... These are measures that are introduced to ensure female representation in every sector of society.



In politics, quotas are defined through legal rules (legislative or constitutional) and internal provisions in the statutes of the parties that set a minimum percentage for each gender in the composition of the electoral lists, in order to rebalance the presence of the two genders.

... of personal and social conditions = PROTECTION OF THE DISABLED

Law n. 104

The law 5 February 1992 n. 104 is a law of the Italian Republic that protects assistance, social integration and the rights of people with disabilities.

The purposes of the text are:

- guarantee full respect for human dignity and the rights of freedom and autonomy, promoting their full integration into the family, school, work and society;
- prevent and remove the disabling conditions that prevent the development of the human person and the achievement of the maximum possible autonomy;
- pursue the functional and social recovery of the person affected by physical, mental and sensory impairments by ensuring services and benefits for prevention, treatment and rehabilitation
- prepare interventions aimed at overcoming states of marginalization and social exclusion.



The law deals with:

- assistance;
- social integration;
- the rights of the disabled.

The intent of Law 104 is to overcome the obstacles that stand between people with disabilities and their better integration by acting in the most targeted way possible, with benefits tending to favor the most complete integration of the disabled person in the social context:

- job concessions;
- concessions for parents;
- tax breaks.



... of personal and social conditions = PROTECTION FROM HOMOPHOBIA

In the particular case of homosexuals, bisexuals or transsexuals, the prohibition of discrimination based on "personal conditions" is constitutionally sanctioned:



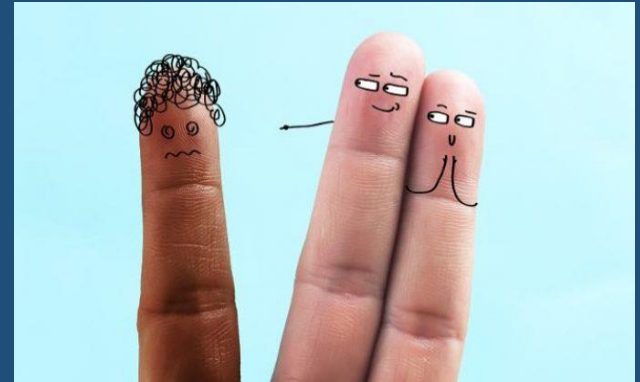
Mancino law

The reference law for the protection from discrimination against homophobia in Italy is the so-called Mancino Law n. 205 of 1993, which ensures protection against discrimination motivated by homophobia.

At work

Italian legislation protects people discriminated against in the workplace, for reasons related to sexual orientation, with the issue of Legislative Decree no. 216 of 9 July 2003 with amendments, in law no. 101 of 6 June 2008.

*... without distinction of race =
SOCIAL EQUALITY*



Art. 604 bis of the Criminal Code

The law is aimed at protecting respect for human dignity and the principle of ethnic, national, racial and religious equality.

It punishes any propaganda conduct on superiority or racial hatred, as well as the instigation and propaganda of facts or activities likely to cause violence for ethnic, racial or religious reasons. In the following paragraphs, associations set up for this purpose are also prohibited, punishing both mere participants in the association and, more seriously, the organizers and promoters.

The most serious and autonomous figure of crime is that referred to in the last paragraph, which punishes the propaganda and the instigation of thoughts that can cause violence from the dissemination of ideas aimed at minimizing the listed historical facts. The judge must assess the danger of spreading the ideas of denial.



*... without distinction of religion =
FREEDOM OF WORSHIP*



Art. 19 of the Constitution

Everyone has the right to freely profess their religious faith in any form, individual or associated, to propagate it and to worship it in private or public, as long as it is not a question of rites contrary to morality.

This article amply guarantees religious freedom and therefore is linked to the equality recognized by the Italian state for all religions. Its full application was possible after the Catholic religion ceased to be the state religion in 1984. It also guarantees the legitimacy of preaching one's religion and spreading it. This right is also guaranteed to immigrant citizens

RIGHT TO HEALTH

The Italian Constitution recognizes the right to health defining it as a fundamental right of the individual. So says the first paragraph of art. 32, entirely dedicated to it:

The Republic protects health as a fundamental right of the individual and the interest of the community, and guarantees free medical care to the indigent.

The content of the right that the Constitution recognizes for all individuals is complex: the situation of psycho-physical well-being understood in the broad sense with which the good "health" is identified translates into the constitutional protection of psycho-physical integrity, the right to a healthy environment, the right to health services and the so-called freedom of cure (in other words, the right to be treated and not to be treated).

Since the Constitutional Charter unequivocally establishes the right of citizens to have their health protected, the State must undertake the task of fulfilling all the conditions for this to happen; this is equivalent to saying that the national health service is the fulfillment of constitutional duties borne by the state and in favor of the community.

The Constitution guarantees the free service for the “poor”; with regard to all other subjects not falling into that category, a form of sharing by the user with the State (the health ticket) is envisaged to cover the costs related to health services provided by the NHS.



