



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

**Country:** Italy  
**Title:** Victimisation  
**Date:** 8 May 2015  
**Expert:** Chiara Favilli  
**Context**  
**Issue at stake:** Scope of application, remedies  
**Ground of discrimination:** Race/ethnic origin, religion/belief  
**Source:** National court decision  
**Field:** Other  
**Applicable law:** Legislative decree 215/2003

### Content

**Case:** Four private citizens and an association dealing with discrimination on the grounds of race and ethnic origin had challenged the Varallo municipality for the dissemination of racist posters around the city against foreign hawkers without license and women wearing the Burqa. The Court of Turin had rejected the action since the municipality had removed the posters before the judgment. However afterwards other posters had been posted around the city with the names of the citizens who had brought the case to Court, who were ridiculed because they had diverted economic resources (those necessary for paying legal costs) away from the community.

**Decision of the Court:** The Tribunal of Vercelli convicted the Major of Varallo (Mr Botta), the assessor (Mr Buonanno, currently a member of the European Parliament) and the Municipality of Varallo for victimisation according to Art. 4-bis of Legislative decree 215/2003 implementing Directive 2000/43. The respondents were convicted to: pay to the victims respectively 6.000,00 and 5.500,00 Euro as moral damages; publish the judgement in a local newspaper, on the Facebook page of Mr. Buonanno and on the website of the Varallo Municipality; pay the legal fees. The Court expressly referred to Art. 15 of the Directive which requires that sanctions must be effective, proportionate and dissuasive.

**Key points of analysis:** This is the first case on victimisation issued by a court according to the 2000 Directives. Two points are worth it to be mentioned: 1. The Court states that the protection for victimisation extends to everyone who acts against discrimination notwithstanding the result of the action; whether it is upheld or rejected. 2. The Court condemns the respondents to the payment of damages calculated in part as compensation and in part as sanction (punitive damages).

### Internet link source:

[http://www.asgi.it/wp-content/uploads/2014/12/2014\\_tribunale\\_Vercelli\\_rg-1241-del-2014-ord-04-12-2014\\_Varallo-BOTTA-BUONANNO-trib-vercelli.pdf](http://www.asgi.it/wp-content/uploads/2014/12/2014_tribunale_Vercelli_rg-1241-del-2014-ord-04-12-2014_Varallo-BOTTA-BUONANNO-trib-vercelli.pdf)