

Discriminazione per motivi di razza ed origine etnica. Norme internazionali ed europee

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Altrodiritto 2014

NORME INTERNAZIONALI

- Divieto

- nel godimento degli altri diritti sanciti
- Autonomo

- Elenco

- Tassativo
- Non tassativo

- Obblighi nei confronti degli Stati

- Eventuale diritto di azione internazionale
- Impossibilità di far valere la norma internazionale nei rapporti interprivati
 - c.d. effetti diretti orizzontali

Core Human Rights

- Dichiarazione Universale dei diritti umani
1948
- Patti Nazioni Unite 1966
- Convenzione contro discriminazioni razziali
1965
- Convenzione contro la tortura 1984
- Convenzione Nazioni Unite per i rifugiati
1951

DICHIARAZIONE UNIVERSALE DIRITTI UMANI 1948

- **Art. 1:** All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- **Art. 2:** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

CONVENZIONE DELL'UNESCO CONTRO LA DISCRIMINAZIONE NELL'EDUCAZIONE (1960)

- *Article 1*
- 1. For the purpose of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:
 - (a) Of depriving any person or group of persons of access to education of any type or at any level;
 - (b) Of limiting any person or group of persons to education of an inferior standard;
 - (c) Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
 - (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.
- 2. For the purposes of this Convention, the term "education" refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

Convenzione sulla protezione e la promozione delle diversità culturali

- Parigi 2005
- Ratifica italiana, gennaio 2007

CONVENZIONE INTERNAZIONALE SULL'ELIMINAZIONE DI OGNI FORMA DI DISCRIMINAZIONE RAZZIALE (1965)

- *Article I*
- 1. In this Convention, the term "racial discrimination" shall mean **any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.**
- 2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
- 3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

PATTO INTERNAZIONALE SUI DIRITTI ECONOMICI, SOCIALI E CULTURALI (1966)

International Covenant on Economic, Social and Cultural Rights

- Article 2:** 1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
- 2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
 - 3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

PATTO INTERNAZIONALE SUI DIRITTI CIVILI E POLITICI (1966)

International Covenant on Civil and Political Rights

- Article 2: 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- [...]

Article 26

- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

CONVENZIONI OIL

- CONVENZIONE OIL (N°. 111) SULLA DISCRIMINAZIONE NELL'ASSUNZIONE E NELL'IMPIEGO (1958)
ILO Convention (N° 111) concerning discrimination in respect of Employment and Occupation
- CONVENZIONE OIL N. 143 SULL'IMMIGRAZIONE IN CONDIZIONI ILLEGALI E LA PROMOZIONE DELL'UGUAGLIANZA DI OPPORTUNITA' E DI TRATTAMENTO DEI LAVORATORI MIGRANTI (1975)
- CONVENZIONE OIL N. 58 SUI LAVORATORI MIGRANTI (1948)

CONVENZIONE OIL N. 143 DEL 1975

PART II. EQUALITY OF OPPORTUNITY AND TREATMENT

- Article 10: Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.

CONVENZIONE OIL N. 143 DEL 1975

- Article 12: Each Member shall, by methods appropriate to national conditions and practice-
 - (g) guarantee equality of treatment, with regard to working conditions, for all migrant workers who perform the same activity whatever might be the particular conditions of their employment.
- Article 14: A Member may-- [...]
- (c) restrict access to limited categories of employment or functions where this is necessary in the interests of the State.

**CONVENZIONE INTERNAZIONALE PER LA
PROTEZIONE DEI LAVORATORI MIGRANTI E DEI
MEMBRI DELLE LORO FAMIGLIE (1990)**

- Article 1
- 1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

- 2. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

CONVENZIONE INTERNAZIONALE PER LA PROTEZIONE DEI LAVORATORI MIGRANTI E DEI MEMBRI DELLE LORO FAMIGLIE (1990)

- Part II: Non-discrimination with Respect to Rights
Article 7
- States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

NORME EUROPEE

- **CONSIGLIO D'EUROPA**
 - Convenzione europea diritti umani e libertà fondamentali
 - Carta sociale europea
- **UNIONE EUROPEA**
 - Trattati
 - Norme derivate

EUROPEAN CONVENTION ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOM

- **ART. 14: Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

PROTOCOL NO. 12 TO THE CONVENTION FOR THE
PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS

Rome, 4.XI.2000

- Article 1 - General prohibition of discrimination
 - 1 The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
 - 2 No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

CARTA SOCIALE EUROPEA

1961

1. [...] Migrant workers who are nationals of a Contracting Party and their families have the right to protection and assistance in the territory of any other Contracting Party.

CARTA SOCIALE EUROPEA

1961

- Article 18 – The right to engage in a gainful occupation in the territory of other Contracting Parties

[...]

- Article 19 – The right of migrant workers and their families to protection and assistance

[...]

Fonti di informazione

- <http://www.centrodirittiumani.unipd.it/>
- http://www.ilo.org/public/italian/region/eurpro/rome/info/doc_ita.htm
- http://ec.europa.eu/employment_social/fundamental_rights/index_en.htm