

## **Access and knowledge of the law: supporting migrants in understanding law**

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### **Abstract:**

*The legal system is the backbone of modern society, stating the conditions under which people should behave, what rights they have. In such a context, free access to legal information is part of a process in constant balance between strengthening the rule of law, on the one hand, and fighting against new attempts to monopolize it, on the other hand. The paper is devoted to a discussion on the issues concerning the role of libraries, research institutions and in general public bodies to support and ensure that vulnerable or at-risk communities have free access to the law, exploring the opportunity to create services not just for accessing the law, but also for its understanding. A particular attention will be given to a specific Web Portal, PAeSI - Public Administration and Migrants: ([www.immigrazione.regione.toscana.it](http://www.immigrazione.regione.toscana.it)), developed by the Institute of Legal Information Theory and Techniques and implemented in Italy for facilitating access to legal information in the field of*

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*immigration to a particular vulnerable category of citizens: third countries citizens settled recently in a host country. This target group is hindered by linguistic barriers, exacerbated by the bureaucratic language and their different cultural background, as well as by the lack of knowledge of the Italian public administration. The theoretical assumption of this Portal is to combine traditional tools with forms of “secondary dissemination” that do not have as their direct subject the text of legislative acts but aimed to illustrate the contents and to highlight the effects that the application of these rules produces on the recipients. As a matter of fact, the theoretical and operative perspectives are both at the core of this paper which stresses the role of legal knowledge sharing which guides people and institutions toward both what is expected of them and what protections they enjoy*

**Keywords:** free access to law, knowledge of the law, legal communication, vulnerable subjects, migrants

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## **1. Law for all or for a few?**

Access to law is a fundamental issue of social policy. This implies a fundamental connection between the policy of justice and the broader issue of public policy and social cohesion. Openness and transparency are the natural and essential elements to ensure effective access to law (Martin, 2000). As stated by Jeremy Bentham, philosopher and jurist in the early 1800s, the action of making legal information visible and available to all is the very soul of justice. “... In the darkness of secrecy, sinister interest and evil in every shape have full swing. Only with publicity in place, can any of the checks applicable to judicial injustice operate. Where there is no publicity, there is no justice. Publicity is the very soul of justice. It is the keenest spur to exertion and the surest of all guards against improbity. It keeps the judge himself while trying under trial” (Bentham, 1843: p. 493).

In such a vision, free access to legal information represents the strategy to even out access to law to everybody. Free access expresses, in its broadest sense, free online availability of digital content and for the most part free of copyright and legal restrictions (Suber, 2004). This creates the necessary conditions for achieving equity and fairness of a legal system, thus improving the operation of democratic institutions.

Free access to law contributes to the rule of law and makes the ideals of democracy effective at global level, creating the conditions ensuring impartiality of the judicial system and improving the functioning of legal institutions. Actually, free access to law provides essentially five tangible benefits:

1. possibility of knowing the law applicable to the specific case;
2. respect for the law by citizens;
3. compliance of the State with respect to its law;
4. creation of the necessary conditions for achieving the impartiality of the judicial system;
5. improvement of the functioning of democratic institutions.

Knowledge of the law can also help to increase political participation, since if more citizens are informed, the greater their contribution to the political and social life. If everyone is provided with the means to acquire knowledge of the law, this implies more equitable legal systems.

The possibility for citizens to find out which court has jurisdiction over a given case, which facts are taken into consideration, and what conclusions are reached, ensures citizens that justice is applied unmistakably. Furthermore, effective access to justice implies a "positive attachment" to the judicial system by citizens (Currie, 2004).

However, the reality is somewhat different. In practice, law is not knowable to everybody. Legal information is not fully available to regulated communities, and it is difficult for them to discover, obtain and understand. More simply: It is very hard and very expensive for people and business world to find out what they must do and how they are protected. In some areas where legislation is difficult to access and case law is even more difficult to retrieve, the discrepancy among rich and poor citizens is further aggravated. As a result, a citizen with few resources facing civil procedures (who at best can make use of the office defense), will never have the same chances of one who can afford the cost of a legal professional. Of course, such situations undermine the capital of true democracy and the ideal of freedom and equality (Poulin, 2004).

The Roman legal principle *nemo censetur ignorare legem* (it is assumed that no one ignores the law) is one of the most noticeable absolute fictions, and at the same time one of the most essential, as if the excuse of ignorance of the law were accepted, anyone could misuse it in any situation (van Caenegem, 1991).

As shown in the table below the real question is the following: Is the law for all or for few?

Law for a few	Law for all
Sources of law are huge and growing	Law affects every moment of our life. As the nature of law is so pervasive, it becomes essential for everybody to know
Law is constantly changing	Law is produced by institutional bodies that are legitimized directly or indirectly by political representation, that is by popular sovereignty
Need for mediation. Accessing the sources is useful only in some cases. Content and research methods are currently of a professional nature	Need to access information and resources that sum up legal issues related to everyday life (how do you ...; what rights do I ...; what should I do in this situation ...)

## 2. Knowledge of the law

The exercise of a right or the fulfillment of a duty imply the knowledge of the existence of the right or duty and the acquisition of the necessary information related to them. This means that, in addition to the concrete availability of the legal provisions, it is also necessary that these should be comprehensible. Of course, new technologies have the effect of increasing and widening the possibilities of access to legal information. Just think on the digitisation work that involved all of the official gazettes of the Member States of the European Union, and which has, in fact, transformed the electronic publication into the only legally binding version. However, contrary to expectations, this wealth of information and increased availability of legal resources do not seem to have generated the same increase in knowledge of the law. This gap would be fundamentally linked to the fact that citizens, when faced with a legal problem, demonstrate a passive attitude due to the ignorance of their rights, because they are not informed and educated about their rights (Hazel, 1999).

Furthermore, the understanding of the law is made difficult by the fact that legal information is no longer confined to traditional databases, but results from the assembly of more data providers and sources and, very often, available in an unstructured form.

In practice, legal provisions cannot be known by every citizen, but only by those who are able to find them, understand and place them correctly in the regulatory system. This latter consists of an increasingly broader and complex set of rules of various levels. The sources of production are manifold, the rules are subject to continuous change over time and this makes it non-trivial to know the current provisions that regulate a certain material at a given time. Furthermore, the rules are the object of interpretation by judges of various levels who interpret them in a non-univocal way, fill in gaps and create new rules. In addition to legislation and case law, legal doctrine, coming from bibliographic sources, influences the jurisprudence and the legislator in a process of mutual interactions that are at the origin of the developments of law in various sectors. The overtime change of legal provisions and their relations with case law and doctrine deriving from the interpretative and citational process explain the multifaceted and strongly interconnected nature of law (Agnoloni, 2014: p. 588).

In such a context, free access to law and public policies are both effective strategies to even out access to law to everybody and to support a non-discriminatory society. Putting policies into action implies shared knowledge of a network of rights and obligations. To move effectively in that direction, people and institutions must know, very concretely, what is expected of them and what protection they can enjoy. It is clear that a country in which law is not communicated effectively is one in which policies cannot be implemented efficiently. The well-known American legal scholar Marc Galanter once said: “law usually works not by exercise of force but by information transfer, by communication of what's expected, what forbidden, what allowable, what are the consequences of acting in certain ways” (Galanter, 1985, p. 545). Indeed, when law is not communicated, it simply does not work. In particular, clear communication of law and of the means by which it is enforced helps entrepreneurs and investors to assess and manage risk when entering the markets.

Everything seems within reach, but going beyond, it turns out that access to law does not imply, in most cases, the understanding of such law. The potential for collaboration among stakeholders (governments, publishers, libraries, academia...) involved in the creation and distribution of law is enormous and of particular value, as freely accessible and openly disseminated legal information can greatly contribute to ensure effective sharing of knowledge of the law and exchange of experience in legal implementation and policies across governments.

### **3. The Free Access to Law movement and the LIIs community**

It is worth to mention that the work carried out by the free access to law community is of great importance in this direction. A group of organizations, known as Legal Information Institutes (LIIs), decided to meet and cooperate with the aim of promoting free access to law and created the FALM - Free Access to Law Movement<sup>2</sup>. The FALM started in 1992 with the creation of the Cornell Law School Legal Information Institute by the American scholars Thomas R. Bruce and Peter Martin who began to exploit the Internet to provide access for free to some US legal materials. The initiative was called Legal Information Institute, soon

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<sup>2</sup> <http://www.falm.info>

shortened to “LII”. The high access rate to their website soon showed that there was a strong demand for accessing legal information, far beyond the professionals and academics’ demand.

In 1993 LexUM<sup>3</sup>, the Legal Documentation Institute operating at the University of Montreal, created the first Canadian legal website available in French and undertook a series of initiatives for accessing law. At a later time, a number of Canadian legal sites were created, including the current access system to case law of the Supreme Court of Canada<sup>4</sup>. In 2000, the Canadian Legal Information Institute (CanLII)<sup>5</sup> in collaboration with the Canadian legal profession has been created.

In 1995 the Australasian Legal Information Institute (AustLII)<sup>6</sup>, located in two law schools (University of Technology - UTS and University of New South Wales - UNSW) followed the example of the Cornell Law School. Successively this institute developed information systems for the nine Australian jurisdictions by providing access to legislation, case law, treaties and legal scholarship (Greenleaf, Mowbray and Chung, 2011).

To date, the legal information institutes around the world are more than 70. Collectively, they are a source of expertise and working examples that also help governments create their own open-access systems while themselves bringing knowledge of law to millions upon millions of people around the world. Users of these services are not only lawyers (the minority part), but ordinary people, journalists, public officers.

Most of the LIIs are independent from their governments and often use the technologies developed within the FALM community (Poulin, Mowbray, Lemyre 2007). In October 2002, at the 4th Conference “Law via the Internet” in Montréal, legal information institutes from all around the world signed the Declaration on free access to legal information<sup>7</sup>. This is the policy paper of the various signatories’ institutions, stating that public legal information of all countries and international institutions should be considered as “collective digital property” and must be accessible for free and non-profit.

Following the drafting of the Declaration, the Permanent Bureau of the Hague Conference on Private International Law<sup>8</sup> organized a meeting of experts where many data providers, law libraries, industry experts were invited. The working meeting called “Global Cooperation on the provision of online legal information” was intended to discuss the ways in which online free resources were to be made available to enforce the resolution of cross-border disputes. Of course, the experience of the LIIs community had a significant role in the meeting: the result was the drafting of the “Guiding Principles to be considered in developing a future Instrument”<sup>9</sup> drafted on 19-21 October 2008. These principles address many key legal informatics issues regarding digital legal information, including access, standards, metadata,

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<sup>3</sup> [www.lexum.org/fr/index.html](http://www.lexum.org/fr/index.html). Since April 2010 Lexum is a private company called Lexum informatique juridique

<sup>4</sup> The information system gives access to case law of the Supreme Court since its creation in 1875: [csc.lexum.org/decisia-scc-csc/scc-csc/fr/nav.do](http://csc.lexum.org/decisia-scc-csc/scc-csc/fr/nav.do).

<sup>5</sup> [www.canlii.org](http://www.canlii.org)

<sup>6</sup> [www.austlii.edu.au](http://www.austlii.edu.au)

<sup>7</sup> <http://www.fatlm.org/declaration/>. The Declaration has been amended in the FALM meetings in Sydney (2003), Paris (2004), Montreal (2007) and Ithaca (2012).

<sup>8</sup> [www.hcch.net/index\\_en.php](http://www.hcch.net/index_en.php)

<sup>9</sup> [https://assets.hcch.net/upload/wop/genaff\\_pd11a2009e.pdf](https://assets.hcch.net/upload/wop/genaff_pd11a2009e.pdf)

interoperability, authentication, and preservation<sup>10</sup>. Furthermore, relevant declarations, principles, and statements on the right of access to public legal information include among others: the Outcome Statement of the International Conference on Access to African Supranational and Regional Law 2012<sup>11</sup> and the IFLA Statement on Government Provision of Public Legal Information in the Digital Age 2016<sup>12</sup>.

These declarations, principles, and statements provide a complete overview of the requirements for the implementation of effective free access to law; They include information on the right of free access to public legal information, on mechanics for the provision of adequate public access as well as on technical standards for modern legal information management

#### **4. Migrants as a vulnerable target group in access to legal information**

The implementation of effective access to legal information is even more challenging for particular categories of citizens such as migrants who shall be considered in this context as vulnerable people, as new inhabitants of a foreign country of which they usually do not know language, habits and much less legal rules.

Migration has become one of the key components of population change in Europe due to migration flows over past decades among EU Member States as well as in and outside of the EU. Migration significantly impacts the current population size in most Member States<sup>13</sup>. Around 25 million persons born in a third country are currently living in the European Union, representing 5% of its total population. A total of 4.4 million people immigrated to one of the European Union Member States during 2017<sup>14</sup>. The size of the data reported makes it clear that inclusion of migrants is a central political challenge at a European level and constitutes one of the priorities of the European Union<sup>15</sup>. The Europe 2020 strategy and the Stockholm program<sup>16</sup> have recognized all the potential of immigration for a sustainable and competitive economy, identifying the real integration of legal immigrants as a clear political objective. Integrating immigrants, i.e. allowing them to participate in the host society at the same level as natives, is an active process that involves two parties, the host society and the immigrants, working together to build a cohesive society<sup>17</sup>.

In 2004, the EU document 14615/04 set out the "Common fundamental principles for the policy of integration of immigrants in the EU" and it was highlighted how, to facilitate such a process, it was crucial to favour the access of immigrants to institutions and to public services, on an equal footing with national citizens and in a non-discriminatory way.

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<sup>10</sup> The last meeting was organized in February 2012 in Brussels jointly by the Hague Conference on Private International Law and the European Commission

<sup>11</sup> [https://www.right2info.org/resources/publications/Standards/outcome-statement-of-the-international-conference-on-access-to-african-supranational-and-regional-law/at\\_download/file](https://www.right2info.org/resources/publications/Standards/outcome-statement-of-the-international-conference-on-access-to-african-supranational-and-regional-law/at_download/file)

<sup>12</sup> <https://www.ifla.org/files/assets/clm/statements/ifla-statement-on-public-legal-information-and-annex.pdf>

<sup>13</sup> <https://ec.europa.eu/eurostat/web/population-demography-migration-projections/data>

<sup>14</sup> Eurostat data, March 2019 [https://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics#Migration\\_flows:\\_Immigration\\_to\\_the\\_EU\\_from\\_non-member\\_countries\\_was\\_2.4\\_million\\_in\\_2017](https://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics#Migration_flows:_Immigration_to_the_EU_from_non-member_countries_was_2.4_million_in_2017)

<sup>15</sup> [http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index\\_it.htm](http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index_it.htm)

<sup>16</sup> <http://eur-lex.europa.eu/legal-content/IT/TXT/HTML/?uri=URISERV:jl0034&from=IT>

<sup>17</sup> <http://interact-project.eu/docs/publications/Research%20Report/INTERACT-RR-2013-05.pdf>

It is therefore important that in a multi-ethnic society the authorities develop strategies that guarantee effective services for every citizen (Ciancio 2014: 162).

Migrants often lack the basic information, as well as social, civic, and economic capital to function fully in their new country (Caidi, Allard, Quirke, 2010: 493). Furthermore, linguistic competence<sup>18</sup> is a very important topic as regards the possibility for migrants to access legal information. Usually migrants rely on informal networks (often migrants from the same national group) to get information on their rights. This is due to an inadequate communication of information by the authorities: e.g. difficulty in written materials or lack of translated materials (Achilli, Fargues, Salamońska, Talò, 2016:53).

Moreover, migrants coming from different legal and social contexts are familiar with the typical legal institutions of their country that may be different from the hosted ones (for example the concepts of family or religious freedom) (Bonetti 2016: 582).

In particular, in Italy, the peculiarities of administrative language make the comprehension by all citizens very complex and especially by those who have not a mastery of Italian language. Some features of administrative language such as linguistic redundancy, the use of technicalities and archaic lexicon, the abuse of subordinate sentences and the excessive use of adjectives, very long paragraphs, represent considerable obstacles in understanding law (Carofiglio 2010: 129-130).

A further element of difficulty in understanding Italian rules consists in the fact that Italian legal system is characterized by many legal provisions, often in conflict with each other and therefore subject to multiple interpretations<sup>19</sup>.

In addition, civil servants are not always equipped with the necessary skills to ensure equal access to the same services for all (it may be because of language barriers but also lack of experience in approaching and communicating with citizens coming from different countries)<sup>20</sup>.

Finally, a further critical element is connected to the fact that communication of procedures and rules is increasingly carried out through public websites, which often have content only in Italian language and are very complex to consult.

## **5. PAeSI immigration Web Portal for migrants living in Italy**

E-government has had a big impact on public administration, adding new concepts and methods to its operations. The most powerful concept in e-government can be identified in the client-centered approach. Borrowed from the private sector, this concept has come into its own with the World Wide Web. In this view, government services should be designed from the starting point of meeting citizens' needs or of helping citizens to meet their civic obligations (Brown, 2005:247).

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<sup>18</sup> The integration of migrants and the impact on it of their acquisition of competence in the language(s) of the host country are a focus for political debate and policy initiatives in a growing number of Council of Europe member states. For this reason, the LIAM (Linguistic Integration of Adult Migrants) project conducted by the Language Policy Programme of the Council of Europe aims to support member states in the development of coherent and effective policies (see <https://www.coe.int/en/web/lang-migrants/context-and-objectives-of-the-liam-project>).

<sup>19</sup> On the possible remedies to this problem, see (Carbone 2018: 468).

<sup>20</sup> <https://www.oecd.org/cfe/regional-policy/OECD-migration-local-factsheet.pdf>

Public web portals on law and administrative procedures represent important tools of e-government and should be designed considering also migrants' specific needs and characteristics. Only in this way public web portals can allow these new citizens to have effective access to law, basic condition for their complete inclusion in the host society.

In reality, achieving simplified access to legal information for vulnerable categories such as migrants can be useful to facilitate access to public services for all citizens. In fact, if the contents of the public administration are knowable from the category most at risk of exclusion, they will also be available to all other citizens (Rhazzali, 2015: 74)

An experience aimed at redesigning a public web portal to facilitate access to legal information for migrants has recently been realized in Italy.

Specifically, the web portal PAeSI<sup>21</sup> is a single access point for information, procedures and norms on immigration in Italy. It was initially designed to be consulted by immigration civil servants of local authorities and associations who provide information and assistance to third-country citizens who live and work in Italy.

This Web portal was created with the aim of overcoming the criticalities because communication of the immigration legislation is divided into different institutional websites and to contribute to the standardization and transparency of this legal information.

As part of the development of the project, the idea was born of trying to redesign the Web Portal to allow simplified access to some content so that migrants could find information on immigration rules and procedures directly, without the mediation of immigration service operators.

This was achieved through the redesign of the access to the Web Portal and the simplification of legal content, both linguistically and structurally.

In order for the Web Portal to meet the needs of migrants, the work methodology was carried out according to the User Centered Design (UCD) approach (Norman, Draper, 1986): the design focus is represented by the needs of the users and for this reason, it involves users and stakeholders in the design process.

The first phase of the UCD, the analysis, (Preece, Rogers, Sharp, 2004) is used to identify system users' characteristics and needs and the usage scenarios. The types of users of the PAeSI Web Portal have been identified in immigration front-office civil servants and migrants who have recently settled in Italy. For these two types of users, user requirements, functional requirements and requirements of usability were identified.

The first phase of the design also included a benchmarking activity with public Web Portals of other countries, for the identification of good practices in the online communication of procedures, rules and services on immigration.

The data for the analysis phase were obtained conducting focus-groups that involved different stakeholders of the domain: civil servants working in immigration offices, linguistic-cultural

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<sup>21</sup> PAeSI Web Portal, [www.immigrazione.regione.toscana.it](http://www.immigrazione.regione.toscana.it), has been managed by the Institute of Theory and Techniques of Legal Information of the National Research Council (CNR) on behalf of the Tuscany Region and in collaboration with the Prefecture of Florence since 2005.

mediators and representative groups of migrants living in Italy, final users of the simplified access of the Web Portal. The focus-groups also had the goal of examining the previous web portal to analyse the thematic areas, verify their completeness, and define new content to be developed for migrants.

The second phase of the UCD concerns the development of alternative proposals. This activity can be divided into two different sub-processes: a first definition of the conceptual model of the system (conceptual design) and a real physical design through the use of prototypes. The conceptual model of the new web portal was, therefore, defined and the related graphic scheme (storyboard) was created. The conceptual model consisted of two distinct accesses: one directed to civil servant users and one specific for migrant users. The storyboard represented the information architecture designed, including content classification, labelling, navigation and layout.

The main new sections of the PAeSI web portal to facilitate migrant's access to legal information are the following:

*Simplified information sheets on administrative procedures*, realized through linguistic and textual simplification of the information sheets for civil servants. They were also translated into 13 different languages.

*Facilitated access to information on immigration procedures of municipal competence*, realized through a standardized search form and a database that contains the URL of the page on immigration procedures of the different Municipalities Web sites. In this way users don't have to do difficult researches in Web sites that are very complex to consult and where information on immigration is found on the lower levels. A guided search helps migrants in finding information on immigration procedures (e.g. residence registration, birth registration, marriage, financial aid ...).

*Thematic areas with selected and simplified content*, on the main topics of interest in the immigration domain, such as family reunification, work and study procedures, citizenship, international protection, discrimination...

The final phase of the UCD design process consists of an iterative evaluation of the proposed solutions. Through the repetition of cycles of "design-evaluation and re-design", aimed at satisfying the needs of the users and in which the users themselves participate, the final mock-up is achieved. This first graphic scheme of the PAeSI web portal has been tested several times in different focus-groups with the domain stakeholders and has been modified based on the various feedback obtained. Following a "high fidelity prototype" has been that is a software prototype that allowed the user to interact effectively with the system. The software prototype was also tested. In particular, usability tests were organized with migrants attending Italian language courses in local schools. Following the feedback received from the test participants, the web portal has been modified several times and then put online.

The PAeSI web portal is constantly incremented due to the fact that Italian legislation on immigration is constantly changing and, consistently with the UDC process, it will be continuously tested with users and modified to be even more suited to the informative needs of migrants living in Italy (Figure 1).



Fig. 1 Access to migrants' area of the Web Portal "PAeSI"

Moreover, to further facilitate the use of this web site and in general of institutional web sites it could be useful to provide migrants with a tutoring service that supports them in finding administrative information. This can happen in public places, such as libraries, as already successfully tested in Italy by the PAAS Project (Assisted Access Point to Services and Internet Network) of the Tuscany Region since 2005. PAAS project allows people to get in touch with digital government so to improve participation and social integration in the local information society (Tavazzi, Brugi, Saliuj, 2011).

## 6. Simplification of information content of the PAeSI Web Portal

As already mentioned, access to information content of the PAeSI web portal has also been facilitated through the simplification of information sheets language aimed at illustrating the legal content and to highlight the effects that the application of these rules produces on the citizens (Vellutino 2018: 85).

In particular, information sheets on administrative procedures designed for expert domain users have been adapted for lay people using a methodology that includes the following phases: 1. selection of PAeSI web portal information sheets on administrative procedures that needed to be simplified; 2. verification and rewriting of difficult terms; 3. simplification of syntactical structure; 4. modification of text structure; 5. user testing on the results of the previous phases (2, 3, 4) through the conduction of focus groups with public officers, linguistic-cultural mediators, teachers of Italian as a second language and third countries citizens users; 6. legal verification of the new simplified content produced; 7. release of guidelines, rules, tips and a simplified glossary of administrative terms, for writing simplified administrative content in an intercultural context.

In the first phase of the work the information sheets on administrative procedures to be simplified have been selected, taking into account those most frequently used.

The following tools have been used for the simplification activity:

- the "Guida all'uso delle parole" (Word Usage Guide) (De Mauro, 1980);

- the “Guida alla redazione degli atti amministrativi. Regole e suggerimenti” (Guide for administrative acts drafting. Rules and suggestions edited by ITTIG and Accademia della Crusca, 2011);
- plain language guidelines adopted by extra-EU public administrations<sup>22</sup>;
- an “Index of discriminatory terms” (Fioravanti, Romano, 2014);
- web usability guidelines (Nielsen, 1994); (Preece J., Rogers Y., Sharp H., 2002); (Nielsen, Loranger, 2010).

They are both tools regarding bureaucratic language simplification and “cross-cultural” simplification.

For the modification of text structure various rules have been adopted such as: structure the text according to the question/answer model; explain the procedures respecting the effective chronological phases of the administrative procedure; do not give unnecessary information; provide guidance on the timing of certain actions adding examples (e.g. the expiration date of a certain procedure), due the fact that this information is often misunderstood; make clear the purpose of a certain procedure and the tasks of different public bodies to ensure that user does not perceive it as a vexatious request; display in the printed version the linked information (e.g. timetables of the offices).

The aim of the testing phase (step 5 of the work methodology) was to verify the comprehensibility and the adequacy for the final users of the information sheets simplified in the previous phases. For this purpose, seven focus group discussions with migrants and stakeholders<sup>23</sup> (58 people involved for a total of 330 information sheets reviewed) have been conducted. The activity has resulted in the acquisition of data and information, derived both from the application of theoretical tools to immigration procedures and from social research (focus groups). These data include: table of difficult terms and related substitute terms; table of discriminatory terms and related substitute terms; table of difficult expressions and corresponding simplified rewriting; strategies to facilitate understanding of institutional texts; definition of the optimal structure of contents to foster understanding of the procedures (including the web layout). The test phase is still in progress and involves third-country nationals resident in Italy, who attend educational centres for adults.

The result of this simplification work consists of over 50 information sheets translated into 13 languages (those of the most numerous communities in the Tuscan territory). These information sheets have filled a new part of the PAeSI web portal called “Simplified multilingual information sheets”<sup>24</sup>. Stakeholders have provided useful information to the research, but at the same time, they have achieved awareness of the issue and of applicable tools for communicating with foreign citizens more effectively.

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<sup>22</sup> The following plain language guidelines have been used: Manual de Lenguaje claro of the Mexican government (2007); Easy-to-Read NYC – Guidelines for Clear and Effective Communication of New York City (2009); Fugindo do “burocratês”. Como facilitar o acesso do cidadão ao serviço público of the Brazilian government (2009); Federal plain language guidelines of the federal government of the United States (2011); Drafting legislation in Hong Kong. A guide to styles and practices of the Hong Kong government (2012); Plain English Manual of the Australian government (2013); Manual de Estilo del Leguaje para uso de la Administración Pública Provincial de Salta, of the Argentine government (2014); Guía de lenguaje claro para servidores públicos of the Colombian government (2015); Canadian Style of Canadian Government (2016).

<sup>23</sup> Linguistic-cultural mediators, immigration front-office civil servants, teachers of Italian as a second language and third-country nationals resident in Italy.

<sup>24</sup> <https://www2.immigrazione.regione.toscana.it/?q=schedemultilingue>

All the data obtained from the participatory phase of the research and in the previous simplification phases were then systematized, to be suitable for their use through a collaborative platform that is intended as a repository of the identified guidelines and the different types of “translation” tables of complex terms emerged during the research. For this purpose, it was considered appropriate to use a Wiki platform that could facilitate information exchange and knowledge sharing among civil servants. The platform, called “WikiPAeSI” has been developed as a part of a new project<sup>25</sup>, also for creating a simplified glossary of administrative terms, made collaboratively by civil servants and linguistic-cultural mediators who participated in the simplification process.

## 7. Conclusion

The conditions required for a wider communication of law have never been as favorable as they are today. New information technologies make it possible and facilitate free access to a huge amount of legal information for the benefit of everyone. Of course, migrants remain a highly vulnerable target group in constant growth. Their information needs are growing due to modern society increasingly becoming information based.

Migrants information needs cover many aspects of life including work, education, health, housing and social participation, becoming more complex and requiring timely answers. Satisfaction of these information needs helps create successful inclusion of migrants into a new life and society. To gain a fully needs’ satisfaction it is essential that all stakeholders involved in the creation, interpretation and distribution of law make their contribution.

Free access to law is one step of this balanced process between the enforcement of the rule of law on the one hand, and the struggle against new attempts of monopolization on the other. It all depends on community’s determination and on policies where all parties as producers, creators, distributors and users are involved.

In this direction, libraries can play a strategic role. The European Bureau of Library, Information, and Documentation Associations (EBLIDA)<sup>26</sup>, an independent association of library, information, documentation, and archive associations and institutions in Europe, “...believes that libraries all over Europe should act as a platform for democratic and open-minded values, and be a safe place where social inclusiveness for all is a priority”<sup>27</sup>. Many European countries have followed this path and have carried out initiatives on this direction, providing information to migrants and at the same time to the greater community. In UK for example, The Network initiative<sup>28</sup> supports libraries, museums, archives, galleries and other cultural and heritage organisations (as well as individuals) who are working to tackle social exclusion and towards social justice. In USA, American Library Association (ALA) offers a strong statement of support for rights of immigrants, refugees, and asylum seekers: “ALA strongly supports the protection of each person’s civil liberties, regardless of that individual’s nationality, residency, or status; and, that ALA opposes any legislation that infringes on the

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<sup>25</sup> TEAMS - Tuscany Empowerment Actions for Migrants System.

<sup>26</sup> <http://www.eblida.org/>

<sup>27</sup> EBLIDA, Press Release: Public Libraries in Europe Welcome Refugees, 21 September 2015 <http://www.eblida.org/news/press-release-public-libraries-in-europe-welcome-refugees.html>

<sup>28</sup> <https://www.seapn.org.uk/about>

rights of anyone in the USA or its territories, citizens or otherwise, to use library resources, programs, and services on national, state, and local levels.”<sup>29</sup>

Furthermore, most major urban public library systems in developed countries (e.g. Toronto, Vancouver, Stockholm, Los Angeles, Oslo...) in collaboration with government’s immigration department provide information and support about legal, childcare, housing, health, education; providing support with immigration applications. (Hang-tat Leong, 2016).

It is worthy to point out that all of these initiatives improve a simplified access to legal information for vulnerable categories such as migrants, but at the same time facilitate access to public services for all. If the information is available and understandable by vulnerable categories, a fortiori the same information will be known and accessible to everybody, with the advantage of a more complete coverage of the information needs of all citizens.

In order to ensure that public information, and especially legal information, is truly understood by all citizens even by the most vulnerable, it is necessary to plan and design the communication of this information for this purpose. As exemplified in the described case of the Italian web portal on immigration law, the design of this information should actively involve the end users.

In such a context, libraries (all types of libraries) should represent an open and participatory place for all citizens, but also a place to find, understand, select and use legal information also through the thematic public web portals. All these activities can be tackled and carried out with the support of library staff, identified as information intermediaries and knowledge professionals, walking to balance issues around privacy, trust, and liability. Above all, library should represent a social infrastructure, a gateway and an instrument of legal orientation, a bulwark against the “legal divide”, a place of aggregation of the various communities.

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<sup>29</sup> American Library Association, ALA Policy Manual Crosswalk: B.8.5.5 Support of Immigrant Rights, May, 22, 2013. In particular see B.8.5.5 Support of Immigrant Rights, <http://www.ala.org/aboutala/ala-policy-manual-crosswalk>

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