Letter to political leaders: Hate and violence against LGBTI people in Italy

News, Italy

> ILGA-Europe and Italian LGBTI organisations sent an open letter to Italian party leaders calling for support to the Come Out For Europe campaign and counter polarisation and rise in hate

Dear party leaders,

In May, politicians and governments across Europe marked IDAHOT – the International Day Against Homophobia, Lesbophobia, Biphobia, Transphobia and Intersexphobia. On May the 15th, the EU Fundamental Rights Agency launched the third iteration of its LGBTIQ survey, which shows that harassment and violence against LGBTIQ people in Europe has risen significantly since

2019. ILGA-Europe's 2024 Annual Review finds that the increase in violence and hatred towards LGBTI people is fuelled very often by politicians and officials, in an ever increasingly polarised political climate. LGBTI people's rights and humanity are being exploited to divide societies, undermine democracy, the rule of law and human rights.

The 2024 FRA LGBTI Survey III shows that, in Italy, 61% of respondents stated that violence against LGBTI people has increased since 2019. ILGA-Europe's 2024 Rainbow Map, published on IDAHOT, shows that Italy scores 23 of 27 EU Member States (dropping another two places this year), when it comes to laws and policies protecting the rights of LGBTI people. Italy still does not have hate crime or hate speech laws which aggravated grounds of sexual orientation, gender identity or sex characteristics, which would protect LGBTI people from violence.

Italy is currently one of the countries in the EU facing the challenge of rapidly deteriorating rule of law and democratic standards, as well as direct attacks on fundamental rights of vulnerable groups, including LGBTI people.

On the occasion of IDAHOT day on the 17 May 2024 the Italian government refused to sign the "Declaration on the continued advancement of the human rights of LGBTIQ persons in Europe" coordinated by the Belgian Presidency of the EU, in which signatories pledged to support improved access to rights for all LGBTI people. The Italian government also did not sign the Joint ministerial declaration on the occasion of the International Day Against Homophobia, Lesbophobia, Biphobia, Transphobia and Intersexphobia, which 32 member States of the Council of Europe signed.

At a time when EU voters gather to vote ahead of the EU elections in June, it is more important then ever for politicians who support democracy, the rule of law and fundamental rights, to take a clear public stances in favour of human rights for all, including LGBTI people. Only three weeks ago, the horrendous attack on Slovak's Prime Minister Fico, was a harsh reminder of where inciting hate and splitting societies can lead to in its extremes.

Steps initiated and taken by the Italian government to undermine the fundamental rights of LGBTI people in Italy – from deregistering lesbian mothers in some regions, to blocking support for trans children in school and through

access to health-care and the proposed changes in asylum laws – are clearly in breach of international human rights standards, such as EU law (the relevant asylum directives, as well as the non-discrimination clauses of the Charter of Fundamental Rights and EU Treaties), the case law of the European Court of Human Rights, the European Convention on Human Rights and the recommendations of the Council of Europe's Commissioner for Human Rights. These attacks are also reminiscent of developments happening in other countries that have seen LGBTI people as an easy target for stirring up unfounded fear in order to rally voters – now clearly identified as being responsible for a extreme rise in hate across Europe and rising figures of violence, also in Italy.

It is crucial that all Italian parties address the rise in hate and violence, not only to protect the rights that all people are entitled to, but also to ensure cohesion and the respect of human rights across Italian society.

We call on all political parties in Italy:

- to make a clear statement in support of the **ILGA-Europe Come Out campaign,** which over 1000 candidates across the EU have already supported including a wide number of Italian candidates,
- to advocate for the adoption of an ambitious second EU LGBTIQ Equality Strategy, and actively contribute to its effective implementation by mainstreaming LGBTI rights in EU internal and external policy-making.
- to propose and advocate for EU policies and laws that provide explicit protection on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics, and that provide concrete responses to the needs of LGBTI people in all their diversity
- to not further play into the polarisation in society that is fuelling hate and increasing actual violence against people,

To fully commit and implement these demands, we ask you all to activate or strengthen a continuous dialogue with LGBTI CSOs in the near future to discuss what your party can do, on local, regional and national level, to counter the attacks of fundamental rights against LGBTI people and to continue to counter polarisation and the rise in hate and violence.

Kind regards,

Chaber, Executive Director of ILGA-Europe

Together with undersigned organisations:

- ARCIGAY – Associazione LGBTI+ Italiana
- Famiglie Arcobaleno – Associazione genitori omosessuali
- C.C.O. Mario Mieli
- GAYNET – Formazione e Comunicazione sui temi LGBTI
- EDGE LGBTI+ Leaders for change
- Rete Lenford – Avvocatura per i diritti LGBTI+
- AGEDO – Associazione genitori, parenti, amiche e amici di persone LGBT+
- AGAPANTO aps. Anzian* LGBTQ+
- Rete Genitori Rainbow
- ALFI – Associazione Lesbica Femminista Italiana
- ARCO – Associazione Ricreativa Circoli Omosessuali
- Associazione LGBT+ Quore
- MIT – Movimento Identità Trans
- Centro Salute Trans e Gender Variant – CEST
- Omphalos LGBTI
- Genderlens
- Libellula Italia APS
- Certi Diritti

- Gender X
- NUDI
- Dì Gay Project Tgenus

Ongoing attacks on the fundamental rights of LGBTI people in Italy, May 2024

The Italian government's planned amendments to the asylum law which would remove protection for LGBT refugees, would breach EU law

The Italian government plans to remove the protected grounds of sexual orientation and gender identity (SOGI) from the asylum law. This would mean that LGBT refugees are no longer protected based on their SOGI status.

In addition, on March 25, 2023, the list of so-called "safe countries of origin" was updated with the addition of two more countries where homosexuality is criminalised, Nigeria and The Gambia, and without providing any exceptions for at-risk categories, such as LGBTI people. These are in addition to Tunisia, Algeria, Morocco, Senegal, and Ghana.

Under EU law, Italy has several obligations to provide protection to vulnerable groups, including those based on sexual orientation and gender identity.

Here are some of the key obligations:

- The Qualification Directive (Directive 2011/95/EU) requires member states to provide protection to refugees and persons eligible for subsidiary protection on the basis of, among other things, their sexual orientation and gender identity. Italy is obliged to implement the Directive into its national law.
- The EU's asylum system is based on the principle of non-refoulement, which means that individuals cannot be returned to a country where they would face persecution or serious harm. This includes individuals who are at risk of persecution or serious harm based on their sexual orientation or gender identity.
- The EU's Reception Conditions Directive (Directive 2013/33/EU) requires member states to ensure that asylum seekers have access to appropriate medical and psychological care, including care related to sexual orientation and gender identity. Italy is obliged to implement the Directive into its national law.

The government has ordered the discontinuation of transcriptions of foreign birth certificates of children born from surrogacy or artificial reproduction technology

In January 2023, the government issued a Directive instructing local authorities to discontinue the automatic transcription of foreign birth certificates of children born through surrogacy and inviting them to register only the biological parent. A second Directive was later issued, clarifying that these guidelines should also be followed in cases of children born following other artificial reproduction technology. Some prosecutors began to retroactively challenge the transcription of foreign birth certificates of children born to same-sex parents. In Padua at least 33 mothers of 37 children received notification that their child(ren)'s birth certificates, in which two women's names appeared, were illegitimate. In many cases, the deregistration comes after many years, and the children thus 'lose' one mother, and sometimes their family name, from one day to the other. This exposes children to vulnerability and the loss of a number of family rights as guaranteed by the UN Convention on the Rights of the Child (UNCRC).

While the government claims that parents have a legal route to establish parentage of the second parent, namely via a special adoption procedure ("adozione in casi particolari"), LGBTI organisations have long pointed out that these procedures can take up to years, are very costly and depend on the courts, which vary from region to region.

The European Court of Human Rights has clearly ruled that Member States need to establish a mechanism to

allow for recognition of the parent–child relationship for non-genetic parents, such as through adoption, and that children should not be blamed for their parents' decisions, including about conception. In her 2023 country report on Italy, the Council of Europe Commissioner for Human Rights confirmed that the Italian procedure does not comply with the best interests of the child and reminded that even Italy's Constitutional Court recommended the legislation be amended accordingly to ensure adoption rights for all families without discrimination. In the absence of legally ensured adoption for all, the Commissioner called on Italy to stop deregistering parents, as some prosecutors have started to do in a response to the governmental Decree.

Schools have been called upon to no longer accept the gender identity of transgender and gender variant children in education

In Italy the gender identity of trans students is not recognised by default. About 300 schools, though, have adopted a regulation to do it, called Carriera Alias. It allows (among other things) to change the name of the student in the internal documents and the school information systems. Carriera Alias, in other words, is a tool to avoid misgendering of trans and non-binary students, allowing them to use their chosen name, gender and pronouns in educational contexts. Regional Counselor of Lombardia, Giacomo Zamperini of the governing party Fratelli d'Italia, tabled a

motion to delegitimise the Carriera Alias by defining it as "illegitimate" and as "an attack against traditional family values, promoting the gender agenda". The motion was then rejected, however, Counselor Pietro Macconi (also from governing party Fratelli d'Italia), wrote a letter to the Minister of Education and Merit, also asking for the Carriera Alias to be reviewed, with the clear aim of seeking its abolition in educational institutions. The Minister's response is pending.

A law has been drafted to penalise surrogacy conducted abroad with criminal sanctions

The government is considering criminalising surrogacy arrangements made by Italian couples abroad, a move they claim is in line with protecting women and "traditional family values". But in reality there is a risk that the children concerned (especially those in a rainbow family) may lose rights if their (intended) parents are indicted. As already mentioned, this is despite the European Court of Human Rights emphasising that children should not be blamed for their parents' decisions (about conception). In light of the understandable controversy surrounding surrogacy, these children have a right to the protection of their private and family life.

Case Careggi: an investigation threatening the lives of of transgender and gender variant youth in Italy and the important work of health professionals

On 23 January 2024 the Minister of Health started an investigation requested by Senator Maurizio Gasparri from Forza Italia, on the public service of the Careggi Hospital in Florence, regarding the administration of triptorelin, a hormone blocker, to trans youth. The investigation is an attack on trans adolescents because it puts the service administered at Careggi at risk of closing down, regardless of the fact that these treatments are considered by the professionals as "a life-saving treatment" for trans youth.

The scientific community has reiterated that triptorelin is useful to avoid the risk of exposure to depression, self-harming behaviour, eating disorders, and suicidal thoughts for trans and gender-diverse youth. Although the right to health in Italy is guaranteed by the Constitution, the health and psychophysical well-being of trans youth is being questioned on ideological grounds, with an increasing use of anti-gender propaganda based on incorrect medical-scientific information spreading in the media. The Careggi Hospital is one of two health centres in the whole country providing triptorelin treatment for trans youth. The World Health Organisation's revision of ICD-11, which came into force in January 2022, mandates the depathologisation of trans identities in all areas of life. However, the Italian National Health System continues forcing trans people to undertake long and costly psychotherapy paths not in line with international standards and which impede trans youth from accessing the healthcare they need to live their lives in dignity and safety.

Open letterDownload