



Italy

ASYLUM

In July, [recommendations to Italy](#) were published by the Sexual Orientation and Gender Identity Claims of Asylum research project, funded by the European Research Council.

The voluntary association Il Grande Colibrì [published](#) informative material in different languages for asylum seekers, about the COVID-19 pandemic.

The Supreme Court issued a decision on 29 October (ord. n. 23891), which overturned the decision of the Venice Court to reject an asylum claim because the claimant had not demonstrated that they had suffered for being gay or that they had sought same-sex sexual encounters. According to the Supreme Court, this inquiry only reflects subjective opinions and a 'punitive' bias by the judges, in violation of the general principles of fairness and dignity, which the lower Court should have observed.

BIAS-MOTIVATED SPEECH

In August, member of the Rome City Council, Massimiliano Quaresima [stated](#) at a meeting that "homosexuality is a disease and is caused by vaccines".

In July, Vercelli's city councillor was [sentenced](#) to four months probation and a 3,000 euro fine for his social media post saying, "kill lesbians, gays, and pedophiles". In September, five people were found guilty for aggravated defamation and fined, including Vice Mayor for Sport and Education in Siena, Paolo Benini, and former secretary of the League, Francesco Giusti. The five wrote homophobic insults under a local professor's social media post about Toscana Pride in 2018.

BIAS-MOTIVATED VIOLENCE

The debate on the long awaited amendment to the Penal Code sanctioning anti-LGBT crimes [began](#) in late July. The amendment to the Penal Code's provisions on hate speech and hate crimes, introducing sexual orientation and gender identity as protected grounds, was eventually adopted by the Chamber of Deputies in November and is currently pending at the Senate. Previously, the Penal Code had only punished hate crimes on grounds of religion, ethnicity, and nationality. The current draft was [tabled](#) by Democratic Party MP, Alessandro Zan, and also includes protection against misogyny and violence against women and people with disabilities.

The bill has sparked national debate about LGBT rights, including among [religious leaders](#), and has [divided](#) the country. Far-right

organisers argue that the law would violate freedom of speech. Trans-exclusionary feminists have also avidly [attacked](#) the law, and the inclusion of 'gender identity'. A number of politicians [joined](#) a campaign to support the law, and an international petition gathered [over 77,000 signatures](#) in support. Supportive [protests](#) were also held.

The debates have continued amidst a [growing](#) number of hate crimes against LGBT people each year - [138 cases](#) over the past year. Several trans women were murdered in 2020, including in Rome in [February](#) and [July](#), and in Milan in [July](#). In June, a trans woman was severely [assaulted](#) in Naples. A young woman was [killed](#) by her brother for [dating](#) a trans man.

In September, a lesbian couple was physically [assaulted](#) in Novara. In October, a woman [posted](#) a desperate plea on social media following two years of lesbophobic abuse she had suffered in her neighbourhood.

Just a few days before the parliamentary debate started, a gay couple was brutally [attacked](#) by a group of seven in Pescara. Two weeks earlier, they had been assaulted by a group of six. In June, a rainbow flag in the window of a rainbow family's apartment in San Giuliano, was [set on fire](#). In September, an activist was [beaten up](#) in Naples, and a young gay couple was [assaulted](#) in Padua.

A number of perpetrators were [held](#) accountable for hate crimes this year (see [here](#) and [here](#)).

In July, a regional law against homophobia and transphobia was [adopted](#) in Campania.

EMPLOYMENT

In a judgement delivered on 23 April, the European Court of Justice (CJEU) [held](#) that statements made by a lawyer during a radio programme, saying he would never recruit a "homosexual" or wish to use the services of such persons, fall within the material scope of EU Directive 2000/78 ('the anti-discrimination directive'). Importantly, the Court noted that the lawyer's statements falls within the ambit of the anti-discrimination directive, even if no recruitment procedure had been opened or planned at the time when the statements were made, where the link between the statements and the conditions for access to employment is not hypothetical.

FAMILY

In January, the Court of Rimini [recognised](#) the right of a lesbian

couple to both be featured as mothers on their children's birth certificates. Previously, only the birth mother was recognised as a parent.

However, the Supreme Court ruled against a lesbian couple in April, deciding they cannot both be on their child's birth certificate as mothers. The child was born in Italy, but conceived abroad through medically assisted insemination, which is not legal for same-sex couples in Italy.

In October, the Constitutional Court declared inadmissible a claim by two mothers that the impossibility to consider the same-sex civil partner as legal parent from birth, prescribed by the Civil Union Act, violated the Constitution's equality clause, because it falls within the margin of appreciation of parliament to decide on the consequences of civil unions vis a vis children.

HEALTH

Italy lost over 74,000 lives to the COVID-19 pandemic in 2020. The crisis has dramatically affected trans sex workers, many of whom are migrants and without a supportive network in Italy. A [crowdfunding campaign](#) provided support to those most in need and without access to state support. During the pandemic, the Vatican and a local parish [provided](#) support for a group of trans sex workers from South America.

From October on, hormonal therapy for trans people will be fully [covered](#) by the National Health Service, if prescribed by a specialist and based upon a diagnosis of gender dysphoria/ gender incongruence, according to criteria laid out in the DSM 5 or the ICD-11, confirmed by a multidisciplinary team. Some NGOs [filed](#) a lawsuit against the decision.

The National Health Service [launched](#) a new information site for trans people, developed with trans groups.

LEGAL GENDER RECOGNITION

On 13 February, local trans organisation MIT launched a lobbying [platform](#) for legal gender recognition law reform, calling on the government to introduce a procedure based solely on self-determination. The discussions have later stalled due to the COVID-19 pandemic.

PUBLIC OPINION AND ATTITUDES

Pope Francis met a group of parents of LGBT children and [reassured](#) them that the Church's love includes LGBT people. The parents were part of a group providing information for LGBT Christians and their families.

SEXUAL AND REPRODUCTIVE RIGHTS

In September, the Justice Committee of the Chamber of Deputies started debating a [bill](#) that would make surrogacy a crime, even if carried out abroad.



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