



# Italy



**Positive developments in Italy result mainly from court decisions rather than legislative initiatives, in large part because of unwillingness from the political class to respond to calls from the LGBTI community to open the discussion around marriage equality or other rights. It is worrying that Italy continues to have a relatively high level of homophobia and transphobia which expresses itself through violence. During the year, three trans women were murdered while several other LGBTI people were seriously injured.**

## Asylum

- In September, the Supreme Court recognised the right to asylum for LGB persons that fled from their country due to the criminalisation of homosexuality, in this case, Senegal. The Court explained that per se such laws impinge upon the most essential rights of the individual.

## Bias motivated speech

- In May, the Minister for Equality, Elsa Fornero, attacked the extension of marriage to same-sex partners. In her letter to *Avvenire*, a Catholic newspaper, she wrote, "Same-sex marriage could lead to social crisis, which could worsen the debt and economic crisis. We must defend individual people's rights, but we cannot make gay marriage equal to the traditional one." A week prior to this statement, the Minister had defended marriage equality on the *International Day of Family* but following an attack from the Catholic newspaper, she reversed her position.

- In July, Santino Bozza, a local politician and a member of the regional parliament of Veneto, described gay people as "ill and perverted", adding that "they need a cure".

- In July, Marcello Veneziani, a journalist and a politician wrote: "with gays humanity is committing suicide" and "homosexuality has been invented by nature for the destruction of human kind".

- In July, UEFA fined Italian footballer, Antonio Cassano, for offensive remarks directed towards LGB people. The Italian forward was fined €15,000 for comments he made during Euro 2012. Asked at a news conference during a tournament if there were any gay players in Italy's squad, Cassano replied, "Queers in the national team? That's their business. But I hope not." Cassano later issued an apology through the Italian state news agency ANSA after criticism from gay rights organisations. "I am sincerely sorry that my comments have caused controversy and protests among gay groups," he said. "Homophobia is not a point of view that I share. I didn't want to offend anyone and I absolutely don't want to put a person's sexual freedom under discussion."

- After the City of Milan introduced the possibility of civil union registration, Alfonso Colzani, the spokesman on family issues for the Milan diocese warned: "There's the risk that giving equal status to families based on marriage with those founded on civil unions will legitimise polygamy." According to him, this was because people in civil partnerships would be freer to have sexual relations with other people. He added: "Introducing a communal register of civil unions is an ineffective initiative – and maybe only a PR exercise. Instead it is the family that needs support in this time of hardship. The concept of marriage is a precise one and not to be confused with homosexual unions."

- In August, Forza Nuova, a far right party, stuck up posters in Pescara reading: "Italy needs children, not homosexuals".

- In October, a group of skinheads ruined with stains of white paint a work of art by writer Borondo on the façade of the office of the LGBTI organisation Mario Mieli in Rome. Borondo's work of art was inspired by Plato's Symposium and represents two men with melting heads, to symbolise the fusion of body and soul.

- In October, the far right party Forza Nuova hanged a sign reading "perversions must be cured" on a wall outside the "Cassero" in Bologna where a famous gay venue and Arcigay's office are located.

- In November, Rocco Buttiglione, a conservative politician, maintained that he has "the right of saying that morally homosexuality is wrong in respect to what is the true good of the person". Buttiglione was answering a question on his political disagreements with Nichi Vendola, an openly gay politician, as a guest in the show *Un giorno da pecora* broadcast live on Radio 2.

- In November, Andrea Di Pietro a town councillor in Vigevano elected on behalf of the right-wing party PDL tweeted: "Vendola is as slimy as the vaseline he uses!!"

- In two cases, the Supreme Court has extended protection against bias-based speech. In July, the Court held that outing a gay couple could amount to a criminal breach of their rights to privacy and against defamation, depending on the context, in this case, a small town. In December, the Court concluded that a Catholic

association's branding of a lawyer as 'pro-homosexual' was also an offence, on the basis that his right to engage in political activities in relation to marriage equality can be threatened by the insults.

## Bias motivated violence

- In January, the UN Special Rapporteur on Violence against Women noted that violence against women, trans women included, is still high in Italy.
- In February, a trans sex worker was stabbed by a client in Rome, while another trans sex worker in Milan was found murdered wearing only a pair of underwear and with a knife stuck in her chest. During the same month, a 20-year-old trans person was punched and kicked by 10 men in a pub in Catania. While the attack was taking place, the manager of the pub watched without intervening.
- In April, a gay man was attacked outside of a bar in Calabria. After the incident he went to a hospital for a check-up, where he was recommended psychological help and hormonal treatments to 'cure his homosexuality'.
- In June, a group of four men abused a well-known gay human rights activist in a park in Rome, causing him head injuries, bruises and broken ribs.
- In June, two young gay men were attacked and threatened with a knife in a tram in Milan. No serious injuries were reported.
- In June, three under-aged men insulted and attacked a group of 20 gay men in Chieti by throwing stones and bottles at them wounding five of them. The three perpetrators were arrested for the homophobic attack later in September.
- In September, a gay man in Florence was stripped, badly beaten up, robbed and left in the middle of a street wearing only his underwear.
- In September, a trans woman was found dead in Pisa. According to the police report she might have been run over. Another trans woman was murdered and found naked in Rome two months later.
- In total, ILGA-Europe collected information on sixteen hate crimes perpetrated during the year. These crimes included various types physical violence, including within

families, as well as vandalism targeting private individuals or LGBT associations. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

## Data collection

- In October, the NISO project releases its final results, whereby 73% of LGBTI people state of having been discriminated against in their life. While 43% of the gay men surveyed cited school as the most common place they encountered discrimination. 37% of lesbian women said they were more likely to encounter homophobia in their family. However, on the whole, gay and bisexual men as well as transgender people cited more instances of discrimination than lesbian or bisexual women. Furthermore, students seemed acutely aware of the difficulties encountered by LGBT people: 55% of students interviewed believe that gay and lesbians are discriminated against in Italy.

## Education

- The Minister of Education set up a new website homophobia, bullying, racism and violence against women: [www.noisiamopari.it](http://www.noisiamopari.it)
- In November, a 15-years-old boy committed suicide after repeated homophobic bullying at school and on Facebook.
- In November, the Court of Cassation rules that bullying can be punished at a par with group rape if, with the intention of humiliating the victim, his sexual freedom is violated. The Court inflicts seven years and six months of jail to a boy guilty of having inserted a stick in the anus of a school mate with the intention of affirming his supremacy on the victim.

## Employment

- In June, a study by Fondazione Rodolfo De Benedetti, a Milan based research institute, concerning LGB employment, was released. The study shows that it is 30% more difficult for an openly gay man to find a job than it is for a heterosexual man. The Milan-based institute of

research sent companies 3,000 fake CV and cover letters. Those indicating an internship at Arcigay, Italy's main LGBT association, were less successful and did not lead to an interview. The study also showed that, for a lesbian, nothing changes and the rate of successful interviews is not lower than that of straight women.

## Equality and non-discrimination

- In November, the Commission of Justice at the House of Representative rejects the anti-discrimination on grounds of sexual orientation and gender identity bill.

## Family

- In February, an Italian judgment of the First Instance Court of Reggio Emilia recognised for the first time the right to family reunification to a spouse of the same-sex in application of the Freedom of Movement Directive (Directive 2004/38/EC). The applicant was married in Spain to an EU citizen and applied for a permit of stay in Italy as a family member of an EU citizen exercising his right to free movement. The court expressly notes that this case is different from cases of same sex-partners in a civil partnership as for such cases the EU directive limits the application to cases in which the legislation of the host member state treats registered partnerships as equivalent to marriage. This considers a first instance decision and could be appealed.

- In March, the Supreme Court (Corte di Cassazione) ruled that a same-sex couple, married outside of Italy, enjoyed the 'right to family life' similarly to other *de facto* couples. However, the decision does not recognise the right to register a marriage contracted abroad. The judgment of the Court of Cassation, in this case, states that same-sex couples living in a stable *de facto* relationship, while not able under Italian law to claim the right to marry or register a marriage contracted abroad, have the "right to family life" and the inviolable right to live freely as a couple. The Court further stated that, regardless of the intervention of the legislature on the subject, the judiciary shall, on a case-by-case basis, grant such couples the same legal rights as enjoyed by married couples.

- In July, the city of Milan decided to approve civil registration, equally allowing different-sex and same-sex couples to enter a civil union. The decision was taken after an extensive debate in the city council, which in the end voted in favour of the proposal. The resolution institutes a separate register in which heterosexual and same-sex couples can be entered when they are entered in the family register. Marco Mori, the president of Arcigay Milan, pointed out: "Registering a civil union will afford access only to municipality-supplied services. It will not confer the right to inherit or receive a survivor's pension, benefits that are reserved for married couples and guaranteed by national laws."

- In August, 173 MPs elected in the right-wing party PDL sign a document against marriage equality.

- In September, the Commission of Justice in the House of Representatives began the discussion on civil unions bills.

- In November, a circular of the Ministry of Home Affairs was made public. It indicated that according to the rulings of the Tribunal of Reggio Emilia, of the Court of Cassation and of the Constitutional Court, the police are required to issue a residence permit to the foreign same-sex partner of an EU citizen. The circular explicitly states that, although Italian legislation does not recognise civil unions or provide any law protecting the rights of same-sex couples, recent decisions of Italian courts have recognised certain rights for same-sex couples as the judiciary, in the exercise of its function, has taken action to fill the legal vacuum in this area of law. This followed a number of examples in Milan and Rome where resident permits were issued.

## Foreign policy

- In November, the City of Milan, Venice and Turin suspended their bilateral accord with the City of St. Petersburg in view of the Russian city's law that imposes fines for the spreading of 'homosexual propaganda'. This meant that the cities do not have to organise activities under the twinning agreement any longer.

## Freedom of expression

- In November, the scene of two men kissing in the TV series *Downtown Abbey* was censored by Rete 4, one of the three TV channels of the Mediaset network.

- Militia Christi, an Italian Catholic group, called for the boycott of a lesbian and gay themed film in Italy. The film features four stories of gay and lesbian couples and was released in 60 Italian cinemas. Protests over the film's release erupted across Italy, including at a preview screening in Palermo.

## Legal gender recognition

- In September, the Tribunal of Rome ruled that the name and gender of a transsexual person must be changed on her legal identification documents regardless the fact that she had not yet undergone surgical sterilisation.

## Participation in public/political life

- In November, Rosario Crocetta, who was the first openly gay mayor in Italy when he became mayor of Gela in 2003, successfully ran as a candidate, becoming Sicily's Governor for a centre-left coalition encompassing both the Democratic Party and the Christian Democrats (UDC). He is the first left-wing governor of Sicily since 1947 and the second openly LGBTI Governor in Italy, after LGB rights campaigner Nichi Vendola became Governor of Apulia in 2005.

## Police and law enforcement

- In July, Italian police quickly apologised after they were forced to change a training manual that listed homosexuality as a "sexual deviance" in the same category as bestiality, incest and necrophilia after an outcry from gay rights organisations. A passage in the 585-page manual, which was being used internally in officer exams by the Carabinieri police force, read: "The main sexual deviances are homosexuality, exhibitionism, fetishism, sadism, incest and bestiality." In its reaction, the Carabinieri commander general Leonardo Gallitelli said that it was "an unfortunate mistake," adding that the text "was based on an obsolete formula".
- In October, the Minister of Home Affairs removed discrimination against same-sex couples in a document on police officers' mobility. From then on, the definition of family was extended to include de facto families for the purpose of change of office.

## Public opinion

- In May, the National Institute of Statistics, released the results of its survey entitled *The homosexual population in Italian society*, the first of its kind. The survey found that 43% of the general population support marriage equality and that 20% of the interviewees support adoption by same-sex couples. On the other hand, 42% would not want to have gay teachers in primary schools.
- In July, ISIMM, an institute of research in the field of information, communication and new technologies, and UNAR, the Italian Equality body, released a joint survey titled TV information and biases of discrimination that investigated how information programs on Italian TV treat potential targets of discriminations. Only 0.06% of news time is dedicated to people that are potentially discriminated against because of their sexual orientation and gender identity. Most of that time LGBTI people are mentioned in news related to criminal activity where close to 70% of the time they are portrayed in the role of the victim.
- According to Eurobarometer 2012, 63% of Italians believe sexual orientation discrimination is widespread. This is significantly above the EU27 average (46%). 64% believe gender identity discrimination is widespread. This is significantly above the EU27 average (45%). Italians scored 5.8 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Italians scored 5.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

## Social security and social protection

- In March, the Court of Milan ruled that cohabitation as a couple is not characterised by the different-sex of the cohabiting couple, adding that it would be discriminatory and arbitrary to consider this element as relevant. The Court of Appeals later confirmed this judgment. The ruling considered a case in which the Mutual Fund of a

bank extends healthcare benefits to the cohabiting partner after payment of the premium. When such an application was presented by a live-in same-sex partner, the bank refused to pay. The Court ruled that Article 3 of the Constitution protects the individual from any discrimination linked to sexual orientation and that these general principles apply in all circumstances including health care. The concept of cohabiting couple that this judgments recognised gives value to the choice and the responsibility of individuals, to their shared sentiment, to their willingness to form a couple, while increasingly moves away from 'naturalistic' arguments.

## Member organisations of ILGA-Europe

Arcigay Catania  
[www.arcigaycatania.com](http://www.arcigaycatania.com)

Arcigay Frida Byron Ravenna  
[www.fridabyron.org](http://www.fridabyron.org)

Arcigay Gioconda Reggio Emilia  
[www.arcigayreggioemilia.sitiwebs.com](http://www.arcigayreggioemilia.sitiwebs.com)

Arcigay Il Cassero  
[www.cassero.it](http://www.cassero.it)

Arcigay La Giraffa  
[www.lagiraffaarcigay.wordpress.com](http://www.lagiraffaarcigay.wordpress.com)

Arcigay Nazionale  
[www.arcigay.it](http://www.arcigay.it)

Arcigay Piacenza  
[www.piacenzagay.blogspot.com](http://www.piacenzagay.blogspot.com)

Arcigay Pisa  
[www.arcigaypisa.it](http://www.arcigaypisa.it)

Arcigay Roma Gruppo Ora  
[www.arcigayroma.it](http://www.arcigayroma.it)

ArciLesbica  
[www.arcilesbica.it](http://www.arcilesbica.it)

ArciLesbica Bologna  
[www.arcilesbica.it/bologna](http://www.arcilesbica.it/bologna)

Associazione Genitori di Omosessuali AGEDO  
[www.agedo.org](http://www.agedo.org)

Associazione InformaGay  
[www.informagay.it](http://www.informagay.it)

Associazione Omosessuale Articolo 3 Palermo  
[www.articolotrepalermo.blogspot.com](http://www.articolotrepalermo.blogspot.com)

Associazione Radicale Certi Diritti  
[www.certidiritti.it](http://www.certidiritti.it)

Centro Risorse LGBT  
[www.risorseigbti.eu](http://www.risorseigbti.eu)

Circolo di Cultura Omosessuale Mario Mieli  
[www.mariomieli.org](http://www.mariomieli.org)

Circomassimo - Associazione gay e lesbica  
[www.circomassimo.org](http://www.circomassimo.org)

Comitato provinciale Arcigay Alan Mathison Turing – Arcigay Rimini  
[www.arcigayrimini.blogspot.com](http://www.arcigayrimini.blogspot.com)

Comitato Provinciale Arcigay Bergamo Cives  
[www.civesarcigaybergamo.org](http://www.civesarcigaybergamo.org)

Comitato provinciale Arcigay CIG – Milano  
[www.arcigaymilano.org](http://www.arcigaymilano.org)

Comitato Provinciale Matthew Shepard – Arcigay Modena  
[www.arcigaymodena.org](http://www.arcigaymodena.org)

Coordinamento Torino Pride GLBT  
[www.torinopride.it](http://www.torinopride.it)

CUBE - Centro Universitario Bolognese di Etnosemiotica  
[www.etnosemiotica.net](http://www.etnosemiotica.net)

Di'Gay Project  
[www.digayproject.org](http://www.digayproject.org)

Famiglie Arcobaleno  
[www.famigliearcobaleno.org](http://www.famigliearcobaleno.org)

Fondazione FUORI  
[www.fondazionefuori.it](http://www.fondazionefuori.it)

Ireos – Centro Servizi Autogestito Comunità Queer  
[www.ireos.org](http://www.ireos.org)

Lambda

Omphalos Gay and Lesbian Life  
[www.omphalospg.it](http://www.omphalospg.it)

Rete Genitori Rainbow  
[www.genitorirainbow.it](http://www.genitorirainbow.it)