



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex
People in Italy covering the period of January to December 2018

Italy

Asylum

In November, Italy passed a law that could stop the country offering protection to LGBTI people fleeing persecution and applying for asylum on 'humanitarian' grounds.

Bias-motivated speech

Several instances of hate speech were recorded this year, mainly taking place in the street.

In October, homophobic billboards appeared in Italian cities featuring two men standing behind a crying infant with the caption: "Two men don't make a mother". The billboards aimed to denounce surrogacy. Rome Mayor Virginia Raggi ordered their removal.

In December, psychotherapist and writer Silvana De Mari was condemned for defamation and sentenced to pay a € 1,500 fine. According to the judge, "she repeatedly offended the honour and reputation of people with a homosexual tendency" and claimed that "tolerating homosexuality is the same as accepting paedophilia".

Bias-motivated violence

Numerous hate crimes against LGBT people were documented this year. Examples include a trans person being attacked in Catania in January, a 14-year-old gay boy suffering burns inflicted by his family in February, a lesbian couple being beaten up by their neighbours in Asti in March. The first two cases were reported to the police.

Education

In January, a 20-year-old gay man shared his story of suffering from homophobic bullying for years, in a Facebook post that went viral. Thousands shared and liked it and hundreds posted supportive comments.

In December, the Education Minister blocked a university survey on homophobic bullying in Umbria, after the Family Day Committee complained that this would be "gender indoctrination". FDC are the organisers behind the largest anti-LGBT rallies in Italy.

Family

A great number of cases challenged discrimination of LGBT people in family life this year, many of them concerning the registration of children of lesbian couples. Italian law states that children can only be registered if they were conceived through heterosexual sex. For the first time this April, a lesbian couple was allowed to register their son as the child of both parents, even though he was conceived through medically assisted procreation in Denmark.

"I need to make this stand not for me, but for Niccolò, for all Rainbow children, for families who do not have the same strength to face these battles, for the children of single women and those with partners who have chosen medically assisted procreation with external donors and want to tell the truth"

Chiara Foglietta (source: Above the Law)

Since then, dozens of Italian local authorities allowed couples to do the same. Three decisions in July (Court of Appeal of Naples 4 July, Court of Pistoia 5 July, Court of Bologna 6 July) held that a parent consenting to assisted reproduction is also a legal parent, regardless of their gender. At the same time, other judges disagreed.

A lesbian woman reported herself to the Public Prosecutor for false declaration to a public official, because she had to lie about the conception of her child to have them registered. The child was conceived in Barcelona last year. The mother is raising the child with her partner, with whom she lives in a civil partnership.

The Constitutional Court will hold a hearing on the matter next year, on the case of two mothers from Pisa.

The Court of Appeal of Milan found in May that a same-sex partner was entitled to survivor's pension even before the entry into force in 2016 of the Italian civil union act. In November, the Italian Data Protection Authority blocked the government's attempt to change the term "parents" with "mother" and "father" in IDs.

Also in November, a minors' court in Milan gave green light to stepchild adoption for the non-biological father of two children. The recognition of a child being registered abroad, as having two fathers, will be dealt with the Supreme Court next year. So far, three Appeals Courts have stated that full recognition was in line with Italian law (Trento in February 2017, Rome in February and Venice in July).

In May, the TV show Ballando con le Stelle (Dancing with the stars) featured a same-sex couple. Despite facing some early criticism from the judges, the pair won over the TV audience and made it through to the show's grand finale.

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Foreign policy

In December, Italy signed a joint paper prepared by the Maltese government, calling for continued efforts within the EU to ensure full protection of LGBTI rights.

Health

In January, a gay patient was bullied and made fun of by a doctor. The same month, a doctor was reported to be sponsoring conversion therapy in his practice. A gay man was forbidden to donating his blood in Oristano.

Human rights defenders

In November, the first Italian woman to publicly come out as lesbian, Mariasilvia Spolato, died at 83. Spolato lost her job as a university lecturer when she came out in the 1970s and was homeless for years afterwards.

Legal gender recognition

In March, the Trento Court ruled in favour of a trans woman, who wanted her gender marker changed in her children's birth certificates.

Public opinion

In November, Italian Deputy Prime Minister, Matteo Salvini, and Minister for Family and Disability, Lorenzo Fontana, announced the Italian government's support and their participation to the World Congress of Families XIII in March 2019 that fosters homophobia and transphobia.

In June, Italy's Minister for Family and Disability stated that rainbow families "don't exist", at least as far as Italian law is concerned.

