

**Report to the Committee on the Elimination of any forms of
Discrimination Against Women (CEDAW) - 87th session
by Gruppo Trans**

NGO Report on the Implementation of the CEDAW Convention with specific
reference to Trans Women and Trans Individuals

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Background Information About Gruppo Trans

Our group was founded by 4 trans people in April 2016 and currently counts 212 associates, with an overwhelming majority of trans members. The board is composed of 7 members. The organization prioritizes trans leadership by ensuring that more than 75% percent of the Board members are trans, and that the Chair and Treasurer are both trans. This guarantees that the responsibility for decisions related to strategy and budget rests with trans people in the organization. We also strive to ensure diverse trans representation and have rotating trans spokespeople who take turns representing the organization. The association is formally organized in **thematic areas**, led by spokespeople who supervise the various projects and are responsible for organizational management. Such areas include: **educational workshops, schools and families; sports and inclusion; events, 'Let's Socialize' socialization group; health, wellness and research; legal help desk and antidiscrimination; work and career support; public relations and fundraising; web design and communication.** We are a registered association that relies exclusively on voluntary work and self-assessment: all activities are funded by member fees, social and cultural events, merchandising, and voluntary contributions. We are active contributors and members within national (UNAR, CIRSDE, READY) and international networks (ILGA Europe, TGEU).

Introduction

Gruppo Trans submits the present report to CEDAW for the first time to denounce the considerable violations of human rights to which trans women are subjected in Italy. While such violations constitute the main focus of the report, we will, in some instances, shed light upon some of the peculiar challenges faced by trans men and/or persons who have been Assigned Female At Birth (AFAB). We primarily would like to highlight how the absence of specific conventions and international instruments aimed at advancing LGBTI rights is still perceived as a lack of protection. In this regard, Gruppo Trans has advocated in support of the implementation of an *ad hoc* convention within the international human rights system. As far as the CEDAW Committee is concerned, we would like to encourage the inclusion of trans women and trans persons within the scope and the application of the Convention on the Elimination of all forms of Discrimination against women, as also noted by the Committee itself in its recent jurisprudence.¹

The country's institutionalized transphobia stems from a broader sociocultural background of hatred against the LGBTI community.² In fact, matters pertaining to LGBTI rights are routinely relegated to a marginal position within the Italian political agenda, educational system, and public debate.³ As per discussions around trans rights specifically, they often tend to generate public vitriol and hostility to a remarkable degree. Parallel to the advent of the current far right-wing government, the country has registered record peaks of transphobic incidents and assaults, further exacerbating queerphobic sentiments across the country. Many LGBTI activists are concerned about the systemic attacks and sustained criminalization suffered by trans individuals both in legislation and in public debate.⁴ In

¹ CEDAW/C/81/D/134/2018, par. 9.7.

² Ian Callahan & Karyn Loscocco (2023), The Prevalence and Persistence of Homophobia in Italy, *Journal of Homosexuality*, 70:2, 228-249, DOI: 10.1080/00918369.2021.1945337.

³ Paolo Gusmeroli (2023), Is gender-critical feminism feeding the neo-conservative anti-gender rhetoric? Snapshots from the Italian public debate, *Journal of Lesbian Studies*, DOI: 10.1080/10894160.2023.2184908.

⁴ [The Guardian, 24.10.2022.](#)

September 2021, the Italian Senate voted against the approval of the Zan bill - a measure that would have made violence against women, LGBTI individuals, and people with disabilities a prosecutable hate crime. Focused legislation regulating same-sex parenthood is also lacking in the country. In January 2023 the Ministry of Home Affairs issued a communication requesting that prefects stop to transcript certificates of children of same-sex parents. This resulted in several children of same-sex couples being orphaned by decree.⁵ In July 2023, a law proposal making surrogacy a universal crime was approved at the lower house of the Italian Parliament.⁶ The consequence of such regulation, if approved by the Senate as well, is the state-sanctioned criminalization of the existence of same-sex couples' children.

The international community has voiced concerns over how the Italian government is failing to protect the human rights of LGBTI people, while instead strategically instrumentalizing LGBTI issues to further its own agenda, regardless of whether LGBTI individuals are put at greater risk of discrimination and violence as a result of political strategies. Targeted attacks carried out by the government remind us that only legal protections can ensure that fundamental rights are recognized and guaranteed; however, as noted above, such legal protection is significantly scarce in Italy.⁷

The number of transgender people in Italy is on the rise. Based on the number of individuals who seek gender-affirming care through clinical centers, it is estimated that the transgender community currently amounts to 0.5-1% of the general population, compared to lower incidence rates (0.002 - 0.005%) in the 1980s.⁸ However, a crucial factor that complicates the implementation of effective inclusive policies is **the substantial lack of disaggregated data regarding trans persons living in Italy**. Aside from the transformations brought about by the current government, Italy has longstanding difficulties with data collection; in fact, at the time of writing, the country has yet to implement the collection of demographic information on the transgender segment of its population.

⁵[The Guardian, 21.09.2023.](#)

⁶[Ansa, 26.07.2023.](#)

⁷[Ilga blog entry.](#)

⁸[www.aogoi.it entry.](#)

Transphobic violent attacks are neither included nor disaggregated in official and institutional databases. The only way to monitor transphobic incidents in the country is through the National Observatory on Feminicides, Lesbicides and Trans*cides⁹ and 'Omofobia.org'¹⁰.

We, therefore, share concerns and want to draw specific attention to the following four thematic issues in connection with CEDAW with regard to trans women and trans persons' lives:

- 1) discrimination and stereotypes
- 2) access to justice
- 3) gender-based violence
- 4) healthcare

1. Non-discrimination, sex stereotypes

Articles n. 1 -5, General Recommendation n. 12

In Italy, sexism and transphobia persist as rampant phenomena. Stereotypical gender roles are still very much in force. According to data collected by the National Statistical Institute (ISTAT), 10.2% of respondents, primarily young people, state that they would accept a man's control over his wife/partner's communication (i.e., mobile and social). Almost half of the respondents (48.7%) agree with at least one stereotype about sexual violence: 39.3% of men agree that a woman can avoid sexual intercourse if she 'really' wants to, and nearly 20% agree that violence is caused by the way women dress.¹¹ In this scenario, trans individuals and trans women pay the highest price in terms of harmful prejudices and stereotypes.

Media portrayals of trans women persist in being degrading, often through the subjectivization of the adjective trans ("found *the* trans woman dead," "beat up *the* trans") by depersonalizing trans women in this way.¹² Trans women are still associated with harmful and

⁹ www.osservatorionazionale.nonunadimeno.net.

¹⁰ www.omofobia.org.

¹¹ ISTAT survey on violence against women, 2022.

¹² [Corriere Milano 04.10.2023](#); [Rainnews 10.2023](#).

stigmatizing stereotypes while deadnaming or misgendering practices against trans women are common in the media. Stereotypes and hate speech are also persistent in politicians' declarations, e.g., the party spokesman in power stated that "in Italy same-sex couples are not legal, they are not allowed" and that same-sex parenting is not "normal." Opposition and aversion against trans women are common in many sociocultural circles. For example, in 2022 ProVita (one of the main anti-gender and anti-abortion groups) issued a warning to all schools against alias careers. An '**alias career**' is the option for students and employees to use, limited to the school or university, an identity (name and pronouns) different from the one on public records.

Italy lacks comprehensive national anti-discrimination legislation covering sexual orientation, gender identity and expression and sex characteristics (SOGIESC) grounds, although some regions have enacted locally-limited policies¹³. In 2021, the 'Zan Bill', aimed at preventing homophobia, transphobia and other forms of discrimination was rejected by the Senate.¹⁴

2. Access to Justice

Articles n.1-6; 7-9; 10-14; 15-16, General Recommendation n. 35

The procedural, legal and bureaucratic procedure is long drawn out, expensive and complex. Trans women, among other trans identities, face several legislative obstacles.

Firstly, the non-homogeneity of the courts poses significant challenges. Lawsuit fees (*certificazione unica*) vary greatly from court to court. Additionally, while most courts consider the **change of registry** (request to change name and gender mark on the State-released Identity document) to be a tax-free procedure, a few other courts still demand taxation (516 euros). The courts also differ on the documentation admitted; for instance, the more restrictive ones require documentation produced by public bodies (hospitals) while rejecting documents supplied by private practitioners, such as doctors and therapists. In some

¹³[Official legal document](#).

¹⁴Namely, [The Guardian 27.10.2021](#).

courts, such as Bologna, the summons for the change of registry accompanied by documents from private practitioners entails the judge's request for an expert witness (official technical consultant), with additional fees to be paid by the requesting person.

Trans women, men and non-binary people are inhibited from exercising their right to vote due to the implementation of a rule that provides for the division of electoral rolls into male and female.¹⁵ Our organization launched a specific campaign in 2018, and in 2021 we started a strategic litigation asking the court to change the provision on this matter.

Trans women are also hindered by the Law on civil unions.¹⁶ Such law establishes that married trans people who choose to amend their ID incur the demotion of their marriage to a civil union, resulting in the adjustment of rights and duties linked to the new legal institution.¹⁷

The lack of regulatory provisions for trans minors causes can have repercussions on the psychological and physical well-being of those directly involved; to name an example, accessing blockers or hormones as minors is a complex process, which often makes it necessary to travel out of one's city (or even region) accompanied by parents. Even families who do support their trans children cannot benefit from financial support or legal protection. Young women and girls, or people socialized as women who identify as men, suffer because of medical violence, meaning that the national health system doesn't provide them with the needed care to help them with their trans experience.

Italy endures a greater issue on the matter of access to protection for one's human rights: in this country, there is no independent human rights guarantee body (Ombudsman) for the SOGIESC-based discriminations and claims. The body responsible for LGBTI rights is the 'UNAR' (National Anti-racism office), and it operates within the Department for Equal Opportunity directly under the Prime Minister, meaning that UNAR reports directly to the most important office in the country - an aspect that, in turn, speaks volumes about the lack

¹⁵ More details here: <https://iosonoiovoto.it/en/>.

¹⁶ [L. 20 maggio 2016 n. 76.](#)

¹⁷ On the legal effects of the 'act of public records rectification' on marriage: <https://studiopiemonte.com/en/civil-union-or-divorce-effects-changing-gender/>.

of independence of this body. Furthermore, its mission to remove discrimination on grounds of sexual orientation and gender identity is the result of an extension in force since 2010. UNAR's role in combating discrimination against LGBTI people is therefore provisional and vulnerable to changes of the political will.¹⁸

3. Gender-based violence

Articles n. 1-6, General Recommendations n. 19, 35

Gender-based violence and hate crimes differ from any other forms of crime due to the perpetrator's motive: hatred and prejudice towards specific categories of individuals, who are often believed by the perpetrator to occupy an inferior social position.

Trans women are subjected to intersectional factors of discrimination: they are discriminated against not only as women but also as transgender people. This type of discrimination is known as trans-misogyny.¹⁹ Globally, 94% (over 9 in 10) of trans people killed are trans women or transfeminine persons, 48% (78% in Europe) of trans women of known occupation are sex workers or prostitutes, 80% of global homicides involve racialized trans people and 45% of global homicides involve migrant trans people.²⁰ These numbers do not include potential unreported murders.

While gender-based violence is well incorporated into the Italian legislative framework through *ad hoc* legislation, women who are victims of transphobic hate crimes are not yet recognized. The national legal system only mentions discriminations based on racial, ethnic and religious motives in Article 604*bis*.²¹ However, other social groups, which are nevertheless among the main victims of hate and discrimination, starting with the LGBTI population, remain excluded. This implies that crimes committed with a transphobic or trans-misogynistic matrix are not criminally categorized as hate crimes. In September 2021, Italy

¹⁸ Similar notes have been submitted by five Italian organizations as [Submission to the United Nations Human Rights Council for its Universal Periodic Review of Italy in 2019](#).

¹⁹ Serano, J. (2007) *Whipping girl: A transsexual woman on sexism and the scapegoating of femininity*. Emeryville, CA: Seal Press.

²⁰ [Trans Murder Monitoring 2023 Global Update](#).

²¹ [Article 604*bis*, Italian Criminal Code](#).

lost the opportunity to approve the Zan Bill,²² whose aim was to amend the aforementioned Art. 604-bis of the Criminal Code on "Propaganda and incitement to commit racial, ethnic and religious discrimination," through the addition of the formula "*or based on sex, gender, sexual orientation, gender identity or disability.*"²³

We share the same concerns highlighted by the Committee in the *Concluding observations* of the seventh periodic report of Italy about "[t]he unsystematic protection against discrimination afforded to lesbian, bisexual and transgender women and intersex persons."²⁴ Particularly, we are concerned over the lack of legal protection for hate crimes and gender-based violence against trans women considering that Italy holds the European record for the number of deaths of trans people: at least 48 between 2008 and 2023.²⁵ In light of the pervasiveness and invisibility of the phenomenon, we urge **the collection of national disaggregated data on gender-based violence and hate crimes against trans women.**

Trans women who are victims of violence have extreme difficulties accessing emergency services such as shelters and protected facilities. Indeed, there are only a handful of shelters dedicated to trans-women victims of violence. The women's shelters are still reluctant to host trans women. Intersectional factors of oppression affect trans women concerning housing precarity, food insecurity, and access to routine and urgent medical care, including gender-affirming treatment. Because of reticence and mistrust toward law enforcement²⁶, trans women are often inhibited from turning to the police for help. This results in a great number of transmisogynistic incidents going unreported and remaining an undeclared phenomenon. There is an urgent need for a trans-inclusive **gender-based violence-contrast program and services specifically directed at trans women.**

²² See note n.14.

²³ Article 2, [Zan Bill](#).

²⁴ CEDAW/C/ITA/CO/7.

²⁵ TGEU's [Trans Murder Monitoring](#) - Italy Map.

²⁶ About Trans People distrust in the police see: <https://tgeu.org/wp-content/uploads/2021/11/TGEU-TDoR2021-policy-brief-EN.pdf>; https://www.risorsselgbti.eu/wp-content/uploads/2022/07/Centro-Risorse-LGBTI_Hate-Crimes-No-More-Italy_Report.pdf.

4. Access to health

Article n.12, 14 and General Recommendation n. 24

In Italy, trans women are subject to heavy - and often law-sanctioned - medicalization and pathologization. However, it is important to highlight that the Cassation court sentence No. 15138/2015 was a landmark case in this sense, declaring that it would no longer be mandatory for trans people to undergo genital surgery.

The Italian healthcare system **does not provide practitioners with targeted training on trans women's needs**. On top of this, the historical controversy on the 'objection to abortion' right granted to gynecologists, is now widely spread to other medical branches, making it easier for practitioners from any area of medicine to hamper trans people's access to healthcare in general. Two main elements amplify the problem:

- ◆ the healthcare system is often strictly linked to political decisions and nominees (head physicians are often arbitrarily selected rather than democratically elected);
- ◆ the healthcare system is progressively subject to privatization (private hospitals are on the rise due to favorable national and local legislation).

These two elements pose significant threats, considering that the anti-gender movement is on the rise within the health care system²⁷, fostered by the current government.

Law 164/1982 establishes a path that citizens can undergo if they wish to be recognized as trans individuals within the binary system of male/female. This path, however, needs to be updated: not only is it costly and time-consuming, but it also often requires the patient to adjust/renounce their individual gender-affirming needs in order to fit the binary model of gender transition. Here is a summary of the path established by Law 164/1982:

1. Apply for gender-specific care at a public (state-funded) or private gender clinic. **Cost:** free. **Time:** ranging from a week to several years.

²⁷ To learn more on this matter: [Valigiablu](#), [Tag24.it](#), [avvenire.it](#).

2. Complete a number of therapy sessions to obtain an official diagnosis of gender dysphoria or incongruency (based the therapist's adherence to the WPATH guidelines). **Cost:** from free to hundreds of euros per session. **Time:** from 6 months to several years.
3. Get the clearance and start HRT under the supervision of an endocrinologist. During this process, one must undergo expensive medical examinations, including DNA tests (i.e., karyotype). **Cost:** from a few hundred euros for medical exams to several thousand euros to get HRT every month. **Time:** from 3 months to a year.
4. Complete the legal process to get documents compliant with one's gender identity with the assistance of a specialized lawyer. **Cost:** from 500 to 5,000 euros. **Time:** from 6-12 months after starting HRT to several years, depending on the timeframes of the specific courts of law.
5. Undergo surgery (optional, not mandatory). **Cost:** in Italy, you can get surgery through the national health system. **Time:** waiting times ranging from 1 to 3 years.

Another main problem Italian trans people face in accessing healthcare lies in the fact that the technological apparatuses employed by the national healthcare system only operate on a binary gender division (male/female). This comes with crucial consequences: some trans people who have amended their legal gender marker receive screening invitations related to genitals they do not have, while not receiving screening invitations they would need. Such discrepancies lead to lower chances of successful cancer prevention; emotional stress; and economic damage as patients are forced to turn to private practitioners to get their screenings done. **In 2022, the Italian Institute of Health published a press release attesting that trans people are worryingly missing from national cancer screenings²⁸.** On top of that, an additional concerning element is that the registered **depression rates in the trans population are 10 times higher than the general one.**

²⁸ [Press Release N°41/2022 - Gender health, low level of prevention in the transgender population](#)

OUR RECOMMENDATIONS:

- a) The Italian government needs to incorporate LGBTI rights into its legislation. This includes advocating for the inclusion of trans women by defining the terms "women" and "gender" in a way that proves their inclusion.
- b) The Italian government should implement in its legislation the criminalization of hate crimes and violence against trans women based on transmisogynist motives.
- c) We urge the government to collect disaggregated data concerning trans women in all relevant fields, including health, access to justice, transmisogynist-oriented hate crime and transmisogynist violence.
- d) The national government should institutionalize an independent Ombudsman to overview the specific human rights violations SOGIESC-based in Italy.
- e) Specific training on SOGIESC-based discrimination, including the National Healthcare System, police and every other level of public administration should be implemented.
- f) We urge the Italian government to implement a gender-based violence-contrast program taking into consideration the specific needs of transgender women. Additionally, targeted trans-specific training should be provided to operators working in contact with GBV-contrast systems (i.e. police, shelters, emergency facilities, hospitals and housing).

Bologna, 01.01.2024