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Italy fails to adopt measures to effectively tackle hate crimes

On Tuesday 26 July, the Italian Chamber of Deputies rejected a draft bill on homophobic and transphobic crimes, claiming that it would be incompatible with the Italian Constitution. Amnesty International is deeply disappointed that the Italian authorities have wasted an opportunity to take a step in the right direction, and calls on them to do more to protect everyone against discriminatory violence in Italy. This is particularly important as the vote took place against a backdrop of continued derogatory remarks by some politicians and representatives of the authorities, which help foster a climate of intolerance towards a number of groups in Italy, such as Roma, migrants, Muslims and lesbian, gay, bisexual and transgender people.

The draft bill entitled “Soro and others: norms for the protection of victims of homophobic and transphobic crimes (A.C. 2802)”, which would have added homophobic and transphobic motivation to a list of aggravating circumstances for a number of crimes, was rejected by 293 votes to 250, with 21 abstentions.

The number of homophobic and transphobic attacks reported in the last few years in Italy remains a matter of concern. Hate crimes have a deep impact not only on the immediate victim but also on the group with which that victim identifies. The Italian authorities should undertake effective steps to prevent discriminatory acts and violence.

Although Italian legislation already provides a legal framework to punish hate crimes based on grounds of race, ethnicity, nationality and religion, there is currently a gap in these laws for hate crimes based on other discriminatory motives, such as sexual orientation and gender identity and expression. Crimes motivated by the real or perceived belonging of the victim to a group sharing specific characteristics such as race, ethnicity, religion, sexual orientation, gender identity and expression, disability or age, constitute acts of discrimination. They should be subjected to criminal prosecution under laws providing for sanctions which reflect the gravity of the human rights abuse.

Italy bears the duty to effectively tackle all forms of discrimination, including discrimination on the ground of sexual orientation and gender identity and expression, in line with its obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union.

Italy should ensure an adequate implementation of the existing anti-discrimination legislation and ensure that legislation criminalising hate crimes does not leave out certain groups. Laws alone, however, will not adequately address the problem. Authorities should promote diversity and engage in awareness-raising initiatives aimed at addressing negative stereotypes and prejudices on lesbian, gay, bisexual and transgender people, as well as other groups who are at risk of discriminatory attacks.

In addition to passing the right laws, authorities and politicians should set the example. They should promote equality and non-discrimination, refrain from and condemn derogatory and

discriminatory remarks that foster a climate of intolerance, and make it clear that hate crimes have no space in the Italian society.