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Italy: Parliament must legislate against homophobic and transphobic hate crimes

Italy must tackle without delay hate crimes based on grounds of sexual orientation and gender identity, Amnesty International said as the Italian Parliament debates a bill on homophobic and transphobic crimes.

Italian legislation foresees some specific crimes, including physical violence, motivated by race, ethnicity or religion. Moreover, whenever a crime is committed on the basis of the race, ethnicity or religion of the victim, this is considered as an aggravating circumstance. However, neither of these provisions applies to crimes motivated by the sexual orientation or gender identity of the victims.

Civil society organizations report hundreds of such crimes against lesbian, gay, bisexual, transgender and intersex (LGBTI) people every year. Most of these crimes have not been properly investigated and have gone unpunished, although they are serious manifestations of discrimination. The lack of relevant legislation hinders the police and prosecuting authorities from unmasking homophobic and transphobic hate motives behind the perpetration of crimes, and hampers victims' efforts to obtain justice.

In March 2013, Amnesty International spoke to Michelle, a young Italian trans woman, who was physically attacked in a pub in Catania in February 2012. She was targeted because of her gender identity.

"They beat me because of who I am, because I have a face that is a bit masculine and because they understood I was a trans person from my voice", she told Amnesty International.

Although the suspects of this attack may be charged and sentenced for causing bodily injuries, the specific discriminatory motive behind the attack cannot be explicitly taken into account in the prosecution and the sentence. If Michelle had been attacked because of her ethnicity, for instance, that alleged motive could have been taken into account in the legal proceeding and reflected in the sentence.

The Italian Parliament has now an opportunity to provide protection to Michelle and others in the same situation, who have had to wait for far too long without any explicit and adequate legal protection. But to fully enjoy this opportunity, it is paramount that the new law covers all relevant gaps, in terms both of the specific crime and of the aggravating circumstances.

To this aim, Amnesty International urges the Italian Parliament to adopt a law which includes sexual orientation and gender identity among the list of discriminatory motives associated with the specific crimes defined in Decree Law 122/1993. Further, the Parliament should amend the article of the same decree on aggravating circumstances by adding sexual orientation and gender identity.

Amnesty International recalls that “*Combat homophobia and transphobia and guarantee the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people*” constitutes one of ten points included in the organization’s Agenda for Human Rights in Italy, published in January 2013 ahead of general elections in the country.

Before elections took place in February 2013, the leaders of the main political parties, including Silvio Berlusconi (People of Freedom party) and Pierluigi Bersani (Democratic Party) signed that specific commitment among others. Although Mario Monti (Civic Choice party) did not sign it, he expressly declared his commitment to fight against homophobia and any other discrimination. In addition, Amnesty International’s Agenda for Human Rights in Italy was signed by more than a hundred candidates later elected in Parliament, from various political parties, including Five Star Movement and Left and Freedom. It is now time for the members of parliament to honour this commitment in action by acknowledging and legislating against homophobic and transphobic hate crimes.

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