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**IN LOVING MEMORY OF GIORGIO AND ANTONIO:
STATE INACTION AS ACTIVE VIOLENCE**

Italy's Compliance with its Positive Obligations
under the European Convention on Human Rights
regarding LGBTQIA+ Protection from Hate Crimes:
the National Context and the Case of Sicily

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ABSTRACT

This dissertation examines whether and why the Italian State has failed to protect its queer citizens from institutionalized-violence-supported hate crimes, and asks whether it bears a heightened responsibility to do so in Sicily. Through a sociolegal, mixed-methods approach, it combines doctrinal analysis of the POs arising under the ECHR with qualitative research consisting of sixteen semi-structured interviews with activists, civil society representatives, jurists, and academics engaged with LGBTQIA+ rights in Italy and beyond. As per Sicily, the thesis contends that economic underdevelopment, the continued influence of organized crime, and anti-Southern prejudice foster conditions of heightened vulnerability. The assessment sets Italy's record against the tripartite structure of the State's POs, encompassing the requirement to put in place an adequate legislative framework, to take operational measures against known risks, and to investigate effectively, unmasking any discriminatory motive.

The findings argue that the deliberate exclusion of SOGI from Italian hate crime law leaves anti-queer violence processed as ordinary crimes, disables proactive risk assessment, and limits the investigation of bias failings the State knew of, contributed to, and could have remedied, but has insufficiently tackled largely due to lack of political will. For Sicily, measures of protection and recognition need to take into consideration structural, state-attributable conditions when providing the tailored measures it owes.

The overarching conclusion obtained entails that Italy's protective failures amount not to neutral inaction but to active violence, therefore State complicity to hate crimes; throughout the thesis, this claim is grounded in the memory of two Sicilian martyrs of mafia-backed anti-queer violence and forefathers of the Italian queer movement: Giorgio and Antonio.

Contains references and explicit remarks on homotransphobia discrimination, derogatory language, physical aggression, sexual violence, murder, and suicide.

KEYWORDS

hate crimes; LGBTQIA+; positive obligations; Sicily; ECtHR.

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Homotransphobes, check your lipstick before you come for me.

TABLE OF ABBREVIATIONS

ECHR/The Convention	European Convention on Human Rights
ECtHR/The Court	European Court of Human Rights
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual, Others
CSO	Civil Society Organization
NGO	Non-Governmental Organization
POs	Positive obligations
EU	European Union
CoE	Council of Europe
SOGIESC	Sexual Orientation, Gender Identity, Gender Expression, Sexual Characteristics

NOTES AND TERMINOLOGY

NOTES

Hate crimes in this dissertation have been catalogued as encompassing any sort of violence, including instances of victims taking their own lives. This derives from the fact that some of the civil society organizations' reports used do include self-harm and suicide as hate crimes. For the sake of analytical focus, the topic of whether self-harm or suicide, aided by insufficient governmental action, might or should qualify as hate crimes is outside the scope of this dissertation.

Each interviewee has agreed on their interview being recorded, and their names or any other substitutive form that appear throughout this dissertation reflect the interviewees' wishes of anonymity or lack thereof.

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TERMINOLOGY

The term 'queer', born as a slur and nowadays reclaimed as a term identifying individuals who are heterosexual (namely, romantically and sexually attracted to the opposite sex as theirs) and cisgender (namely, their gender identity matches their sex assigned at birth), is often used to refer to anyone belonging to the LGBTQIA+ community. The Q in the acronym stands indeed for queer (and for 'questioning'), and goes alongside other identities that make the acronym more specific and more representative. Said this, queer and LGBTQIA+ are often used interchangeably, which is also what will occur throughout this

dissertation, with a tendency to use the former more than the latter for linguistic economy and reduced redundancy. When used, the author prefers to employ the common acronym LGBTQIA+; however, alternative forms will also appear throughout this study. Some sources, in fact, refer to the queer community using variations of the same acronym, such as LGBTI, LGBT+, and others. To preserve fidelity to the cited material and ensure terminological precision, the acronym utilized in the original source will be prioritized.

The word ‘homotransphobia’ will be used in replacement of the word ‘homobisexualtransphobia’ to refer to negative attitudes, feelings, behaviors and actions based on someone’s sexual orientation and gender identity. Although the latter of the two versions is more specific and explicitly mentioning the predominant SOs, the prefix *homo-* is often used as an umbrella term to encompass queer SOs, as its etymological meaning of ‘sameness’ is a characteristic, in part or in toto, of queer SOs. For this, the former word will be used.

The contemporary term ‘cishet’ has been increasingly used as an abbreviated union of the two words ‘cisgender’ and ‘heterosexual’. The abbreviation will be used along this dissertation for linguistic economy purposes.

This dissertation employs terminology related to the queer community and queer experiences, with each term/expression accompanied by an explanation to ensure clarity and accessibility for the reader.

Lastly, the formulations ‘Italian and Sicilian’ and ‘Italy and Sicily’ are hereby recurrently utilized. Although some regions of Italy do benefit from a special status of autonomy, including Sicily, this formulation does not mean to argue that Sicily is a discrete polity nor that it stands in any way outside of the Italian State. Rather, linguistic economy and analytical clarity motivate this choice.

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- Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 4 November 1950, entered into force 3 September 1953, as amended by Protocol Nos 11, 14, and 15) ETS No 5 (ECHR)
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Legge 9 giugno 2026, n 104, recante disposizioni in materia di consenso informato in ambito scolastico (Italy)

In memory and honor

of all my queer siblings who have been
insulted, humiliated, abused, murdered, dehumanized, pushed to suicide.
My community deserves to be alive, well, and fierce, pumping with joy in the face of hate;

of all the Sicilian and Italian queer activists and civil society organizations that have
advocated for queer respect, recognition, representation and progress.

Thank you for daring when you were told to be quiet;

of all global pioneers of the queer movement,
promoting resistance, resilience, and demands for liberation;

of Giorgio and Antonio,
fellow Sicilians and fellow queers,
brutally murdered and left to rot in a mafia attack
and stripped of their dignity for daring to love one another in the light of day.
*'La mafia è una montagna di merda',*¹
and justice must be made.

¹ This sentence, meaning 'the Mafia is a mountain of shit', is a famous quote from Giuseppe 'Peppino' Impastato, renowned journalist, radio host, and anti-mafia activist. He said these words in his counterinformation radio program called Radio Aut as he reinvited that, instead of doubling down to the threats and order of the Mafia, we must rebel against it before it becomes normalized and interweaved with reality. Peppino Impastato was killed in a gruesome Mafia attack between the 8th and 9th of May, 1978. Skatèna, 'Peppino Impastato: "Io voglio scrivere che la mafia è una montagna di merda"' (*Radio Città Aperta*, 9 May 2023) <https://www.radiocittaperta.it/musica/peppino-impastato-io-voglio-scrivere-che-la-mafia-e-una-montagna-di-merda/> accessed 21 June 2026.

Revolution now! Gay power!

Sylvia Rivera²

² This sentence was pronounced by Sylvia Rivera, one of the pioneers of the queer liberation movement, also one of the main figures involved in the Stonewall Inn uprising against a homotransphobic police raid on June 28th, 1969, in Manhattan. Rivera, a transgender woman, fought against the exclusion of transgender people, especially transgender people of color, from the larger gay rights movement. In fact, she was discouraged from participating in the first Pride Parade/Christopher Street Liberation Day March of 1970 in New York City, as well as other transgender people. In 1973, while she participated in the parade, she was not allowed to speak. Despite this, Rivera grabbed the microphone and delivered a speech commonly titled 'Y'all better quiet down', as these were the first words of the speech in response to the dissent of the audience towards her presence. Rivera spoke about the sacrifices of drag queens and trans women such as herself for the cause of gay liberation, only to receive constant threats of erasure from the movement. At the end of the speech, Rivera thundered for the queer revolution (although she used the term 'gay', which was used as an umbrella term at the time but is nowadays used to indicate man to man relationships or, at times, as an umbrella term for all sexual orientations) that had officially started and was characterized by demands of recognition of dignity, equality, and anti-discrimination. Queer people were called to mobilize and act for queer liberation from discrimination and oppression, especially for more vulnerable queers due to intersecting identities, such as race, class, and others. This community organization is what Rivera refers to with 'gay power'. National Women's History Museum, 'Sylvia Rivera' (2021) <https://www.womenshistory.org/education-resources/biographies/sylvia-rivera> accessed 21 June 2026; Etamaze Nkiri, 'Y'all Better Quiet Down' (*The Gay & Lesbian Review*, 11 June 2021) <https://glreview.org/yall-better-quiet-down/> accessed 21 June 2026.

It is pivotal that we remember, honor, and protect our trans sisters and brothers, our drag artists, and our gender non-conforming siblings: not only because their contribution to queer rights was crucial from the very beginning, and not only because they have dared and to speak up despite the constant silencing, but also because they endure a graver amount of oppression and they are as worthy of protection as gays, lesbians, bisexuals, heterosexuals, and others.

INTRODUCTION

RESEARCH QUESTION AND STRUCTURE

This dissertation applies the positive obligations framework of the ECtHR to the Italian context, with particular attention to Sicily, while accounting for the sociocultural and political constraints that shape implementation. It asks whether and why Italy has (not) adopted and implemented any measures to protect its queer citizens from hate crimes and institutionalized violence in both abstract, concrete, and symbolic forms, as well as how and to what extent the resulting regime has worked for the queer community in Italy, and, specifically, in Sicily. The findings are then set against Italy's positive obligations to prevent, investigate, and respond to hate crimes against its LGBTQIA+ population, in respect of the European Convention of Human Rights, eventually emphasizing whether the country bears a heightened responsibility in the South.

METHODOLOGY AND SOURCES

This sociolegal research employs a mixed-methods approach, combining doctrinal legal analysis with qualitative empirical research. The doctrinal component examines, in chapters one and five, the positive obligations arising under the ECHR through the case law of the ECtHR, alongside a critical review of the scholarly literature and of the reports, recommendations, general comments, and other relevant instruments issued by European institutions, notably the Council of Europe and the European Union. Chapter one sets out the positive obligations currently flowing from queer-related Italian and CoE case law, while chapter five sets the findings of chapters two to four against that positive-obligations framework. chapter two analyzes the Italian legal framework, drawing, inter alia, on Italian legislation, data from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and reports and recommendations from civil-society and supranational bodies,

including the European Commission against Racism and Intolerance (ECRI), the former Council of Europe Commissioner for Human Rights, the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), and Rete Lenford. Chapter three shifts the focus to the region of Sicily, investigating the interplay between structural, state-attributable institutional deficiencies and anti-queer hate crime, both historical and contemporary. In doing so, historic and economic studies, together with archival resources, journalistic material and NGO reports have been utilized. This regional focus is pursued further through the empirical component of the thesis, namely a series of semi-structured interviews with activists, civil-society representatives, jurists, and academics engaged with LGBTQIA+ rights in Italy and across Europe, several of whom also offer direct insight into the ECtHR's positive obligations. The methodology governing this qualitative research is set out in detail in chapter four. In sum, the doctrinal analysis lays out the legal standard imposed by the Convention's positive obligations, but also offers a sustained scholarly analysis of the Italian and Sicilian situation against which that standard is brought to bear; the empirical material, instead, grounds both in the lived realities of those the law is meant to protect, lending concrete substance to what might otherwise remain an abstract account of obligation.

It must be noted that the author's approach to the topic is the one of an insider to a high extent. As Sicilian and queer, this study is also an inquiry into the conditions of my own life and that of people I know and for the protection of whom I advocate. My background of queer rights activism nationwide and Sicily-wide afforded me a degree of access to activists and community members that I knew or got to know, from which I also received trust and with whom I shared a sense of belonging and understanding; similarly, it allowed me to sharpen my attention to the lived dimensions of the structural conditions that this thesis analyzes. At the same time, I intended to make this study as factual, objective, and neutral as it was in my power, by remaining conscious of the difference between what I felt to be true and what the evidence would support, and by ensuring that participants' contributions were not shaped by the author's possible verbal, nonverbal and paraverbal cues.

LITERATURE REVIEW

As addressed by General Comment No. 20 of the ICESCR, efforts to end formal or de jure discrimination, are insufficient, and positive action is the means to achieve substantive or

de facto equality.³ Direct State interference no longer suffices: the States now need to actively operate by putting up supportive frameworks, adapting their laws, training their staff, and treating unequally to ensure equity rather than equality. Although positive obligations have been addressed extensively in the general literature, Tryfonidou notes that their specific application to sexual minority rights remains insufficiently explored.⁴ While protective measures for the LGBTQIA+ community have proliferated in recent years, Tryfonidou observes that Directive 2000/78⁵ remains the only EU legal instrument explicitly requiring Member States to protect sexual minorities actively and substantively.⁶ The relative thinness of binding obligation leaves states considerable latitude in how far they go to protect sexual minorities, and raises the question of what they may legitimately invoke to limit that protection. For Tryfonidou, neither culture nor intolerance justify a State's failure to fulfil its positive obligations,⁷ though States do enjoy a margin of appreciation, namely a degree of discretion in implementing obligations in ways sensitive to national culture and morals, while still guaranteeing a minimum threshold of human rights protection. Additionally, the margin widens when there is no European consensus on a given issue, leaving the matter to the Contracting State.⁸ That margin, however, should serve to adapt obligations rather than to evade them, with the underlying goal always met.⁹

Helfer and Ryan complement Tryfonidou's diagnosis of insufficiency, drawing on ILGA-Europe's 2020 Annual Review to note that the path to effective equality and protection for LGBTQIA+ individuals remains far from complete, with substantial work still ahead.¹⁰ At least twenty-two cases concerning the expansion and contraction of the community's rights have been brought before and finalized by the Court between 1999 and 2009.¹¹ Although the authors do not enumerate these cases, and no other source provides a definitive list, an independent research indicates that none of the twenty-two cases were brought against Italy. Assuming the accuracy of this review, this absence may indicate either few rights violations

³ UN Committee on Economic, Social and Cultural Rights, *General Comment No 20: Non-Discrimination in Economic, Social and Cultural Rights (Art 2, Para 2, of the International Covenant on Economic, Social and Cultural Rights)* (2 July 2009) UN Doc E/C.12/GC/20, 4.

⁴ Alina Tryfonidou, 'Positive State Obligations under European Law: A Tool for Achieving Substantive Equality for Sexual Minorities in Europe' (2020) 13 *Erasmus Law Review* 98, 99.

⁵ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation [2000] OJ L303/16.

⁶ Tryfonidou, 'Positive State Obligations under European Law' (n 4) 104–105.

⁷ *ibid* 102.

⁸ *ibid* 106.

⁹ *Powell and Rayner v United Kingdom* App no 9310/81 (ECtHR, 21 February 1990) para 41.

¹⁰ Laurence R Helfer and Clare Ryan, 'LGBT Rights as Mega-Politics: Litigating Before the ECtHR' (2021) 85 *Law and Contemporary Problems* 59, 60.

¹¹ Helfer and Ryan (n 10) 69.

or, alternatively, underreporting, limited access to legal remedies, or an overall lack of institutional support for claimants — which would reinforce Helfer and Ryan’s concern about unaddressed structural discrimination. The ECtHR has rejected multiple instances of socioculturally-backed anti-queer repression, an example among many being the Russian context, where the State affirmed that the demands for visibility and protection of the queer community in the country violate the fundamental moral values of the non-queer population.¹² While the Court’s proactive condemnation confirmed its stance, namely, that Russia’s affirmation is ill-founded and that the existence of minorities does not depend on the will of the majority,¹³ the Court’s approach is mainly reactive, consensus- and case-specific rather than aiming at addressing broader patterns of structural discrimination directly;¹⁴ this potentially allows violence to continue, since individual cases are resolved but their root causes are only weakly addressed. A further body of work asks why that discrimination is so resilient, locating its source in the ideological hostility that animates opposition to queer rights.

Scholars including Helfer, Ryan, Ayoub, and Stoeckl, found that alongside claims of the queer community’s values being culturally inappropriate, opposition is frequently driven by the perception that expanding LGBTQIA+ rights would result in the destruction of core societal institutions. Ayoub and Stoeckl identify five such perceived threats: to the nation, religion, children, women, and the family.¹⁵ As per the nation, queer protection is classified as a form of Western neocolonialism and therefore placed as something that does not exist in non-Western societies.¹⁶ On religion, populist right-wing leaders in Europe tend to claim that the queer community intends to extinguish religious freedom and secularize the whole Nation.¹⁷ When it comes to children, the Hungarian child protection law is a concrete example of the allegation that queer exposure to children causes the latter to be preyed on and sexualized, resulting in, inter alia, the censorship of books that might even vaguely tackle topics related to the community.¹⁸ Ayoub and Stoeckl also show how often political figures that oppose the advancement of queer rights might adopt the language and topics of areas, individuals, and communities that they tend to argue against, such as in the case of women’s

¹² *Bayev and Others v Russia* App nos 67667/09 and 2 others (ECtHR, 20 June 2017) paras 65-67.

¹³ *ibid* para 70.

¹⁴ Helfer and Ryan (n 10) 78-80.

¹⁵ Phillip M Ayoub and Kristina Stoeckl, *The Global Fight Against LGBTI Rights: How Transnational Conservative Networks Target Sexual and Gender Minorities* (NYU Press 2024) 177.

¹⁶ *ibid* 178–180.

¹⁷ *ibid* 182.

¹⁸ *ibid* 183-184; Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children (Hungary), *Magyar Közlöny* no 118, 23 June 2021, 4942.

rights and the instigation that transgender people, precisely transgender women, should not be supported as they hinder cisgender women's rights.¹⁹ This approach is peculiar, as it seems to unite supporters from different cultural, linguistic, national, and religious backgrounds to coalesce against the LGBTQIA+ community, with a special emphasis on the T. Their objective seems to be to maintain the current family institutions as the only valid ones, since rainbow families are often seen as seeking to subvert the system rather than create a parallel system that coexists with the current one.²⁰ Italy has shown a connection to all five elements, although to a lesser degree than other countries in Central and Eastern Europe.

The Italian government has advocated particularly against the family subversion and the exposure of queerness to children, citing the imposition of a so-called 'gender ideology',²¹ considered inappropriate in educational settings.²² Hungary's democracy has become increasingly illiberal,²³ and the approach to European obligations from now-former Prime Minister Viktor Orbán has been one of blatant disregard.²⁴ The Italian government's sympathy for Orbán's political attitude gives the impression that Italy is going down the same path. Specifically for Italy's approach towards queer people, especially under current conservative Prime Minister Giorgia Meloni, this is particularly sensitive. Following Orbán's approach could mean hindering queer protection and possibly allowing for the proliferation of anti-queer hate crimes. And while measures that actively restrict queer rights have detrimental effects, omissions in the protection of marginalized communities are equally as harmful.

OSCE ODIHR highlights that it is paramount that legislation is formally adopted and implemented to legally protect individuals from crimes based on intolerance. The absence of tailored hate crime legislation renders hate crimes invisible, subsuming them into ordinary criminality and obscuring the bias motivation that sets them apart.²⁵ The message conveyed to the victim when homotransphobic crimes are treated as regular crimes is that the magnitude

¹⁹ Ayoub and Stoeckl (n 15) 192.

²⁰ *ibid* 212–213.

²¹ A baseless construct fabricated to delegitimize gender studies and LGBTQIA+ claims and construct a single, threatening enemy. Sara Garbagnoli and Massimo Prearo, *La crociata "anti-gender": dal Vaticano alle manif pour tous* (Kaplan 2018) 7.

²² Legge 9 giugno 2026, n 104 (Disposizioni in materia di consenso informato in ambito scolastico).

²³ Seongcheol Kim, "'Illiberal Democracy' after Post-Democracy: Revisiting the Case of Hungary" (2023) 94 *The Political Quarterly* 437, 444.

²⁴ See, for example, Amnesty International and others, 'Hungary – Open Letter: EU Must Take Concrete Action against Hungary's Continued Defiance of Human Rights and Rule of Law' (Amnesty International, 26 May 2025) <https://www.amnesty.eu/news/hungary-open-letter-eu-must-take-concrete-action-against-hungarys-continued-defiance-of-human-rights-and-rule-of-law/> accessed 30 June 2026.

²⁵ OSCE/ODIHR, *Hate Crime Laws: A Practical Guide* (2nd edn, OSCE Office for Democratic Institutions and Human Rights 2022) 28–29.

of their concerns is not as significant for the State as other concerns are²⁶. Not addressing hate crimes as such or not addressing them at all, additionally, might motivate hostile individuals to commit bias-motivated crimes, as the perpetrator notices the lack of aggravating factors and, therefore, the lack of additional punishment.²⁷ Furthermore, the subsequent declined trust in the institutions, together with the fact that hate crime data collection in Italy relies heavily on civil society reporting rather than comprehensive and systematic state mechanisms, contributes to underreporting and subsequent continued unsafety.²⁸ Therefore goes the main question of this study: in light of its positive obligations, throughout the territory and specifically in Sicily, has the Italian State worked on hate crimes towards the Italian LGBTQIA+ community effectively?

While the question deals with the broader picture of human rights, the principles of equality and non-discrimination are its conceptual core. For equality to be achieved, some individuals need to be treated unequally: applying principles of equality to all individuals indiscriminately is going to result in unfair outcomes, as different natural traits and different goods possessed require more or less support.²⁹ Verloo brings a brilliant connecting perspective by addressing the failure of ‘one-size-fits-all’ approaches in virtue of the topic of intersectionality.³⁰ Such critique can be extended to the Italian case, where sexual orientation and gender identity are excluded from the protected characteristics in hate crime law. In the event of a bias-motivated attack, measuring queer individuals against an implicit standard, namely heterosexual, white, middle-class males, and finding the offence formally identical refuses to acknowledge structural discrimination; structural conditions such as adverse social norms, institutions, and the private sphere are therefore masked as the law applying equally to everybody.

Inequality exists among inequalities as well. The way they are treated at the highest levels of governance differs based on how relevant they are considered prior to framing them as policy problems. Gender (as in cisgender women’s equality) and race seem to be addressed more extensively in anti-discrimination legislation through their institutional and policy histories. In contrast, sexual orientation and broader gender identity have been rarely institutionalized within equality law and policy.³¹ Furthermore, Verloo identifies that ‘the EU

²⁶ *ibid* 29–30.

²⁷ *ibid* 22.

²⁸ *ibid* 31.

²⁹ Amartya Sen, ‘Equality of What?’ (1979), quoted in Jarlath Clifford, ‘Equality’ in Dinah Shelton (ed), *The Oxford Handbook of International Human Rights Law* (OUP 2013) 424.

³⁰ Mieke Verloo, ‘Multiple Inequalities, Intersectionality and the European Union’ (2006) 13(3) *European Journal of Women's Studies* 211, 223.

³¹ *ibid* 215–222.

policy does not seem to address the dangers and concerns that are currently voiced by experts and stakeholders alike',³² and that 'overall, very little attention is paid to both structural and political intersectionality in policy-making. There are a few examples at the UN level, again mainly on the intersection of race and gender'.³³ This complicates the analysis of responsibility by showing that possible domestic inaction may be reinforced by the limited development of supranational standards. To safeguard its citizens, however, Italy does not merely need top-down impositions, as the country possesses the legal capacity to implement measures of recognition, protection, and support for the queer community. The gap lies in political will, the lack of which reinforces Verloo's assertions regarding systemic, structural gaps and reluctance.

Such political unwillingness goes undoubtedly hand in hand with contrasting sociocultural dynamics that frame LGBTQIA+ rights as external to dominant understandings of family, morality, and national identity. O'Dwyer brings the example of Poland, explaining that EU accession did indeed cause LGBTQIA+ rights to expand, but not without resistance, backlash, and threats to the rights themselves.³⁴ The positive obligations dictated by the CoE, therefore, will likely not automatically translate into implemented or even formally adopted provisions, but will instead face resistance backed by domestic factors. The influence of the Catholic Church on Italy exemplifies this squarely. The Vatican, Garbagnoli and Prearo explain, is notoriously not the main ally of the queer community, as it considers the gender ideology a conspiracy that, if allowed to prosper, would generate nefarious anthropological consequences.³⁵ Ozzano complements this by stating that Catholic values are deeply embedded within Italian culture,³⁶ as the Catholic Church exercises its influence over governments of different political orientations.³⁷ Ozzano even connects this to the higher degree of hostility towards the queer community that he states Italy's élite and general public show.³⁸ This is true at least until 2013, after which the Vatican was seen to exercise less influence, dissenting voices arose within the Catholic Church, and political opponents framed their dissent less in terms of the illegitimacy of the issue but rather stated that it would clash

³² *ibid* 215.

³³ *ibid* 214.

³⁴ Conor O'Dwyer, 'Does the EU Help or Hinder Gay-Rights Movements in Postcommunist Europe? The Case of Poland' (2012) 28 *East European Politics* 332, 332–334.

³⁵ Garbagnoli and Prearo (n 21) 7.

³⁶ Luca Ozzano, 'The Debate about Same-Sex Marriages/Civil Unions in Italy's 2006 and 2013 Electoral Campaigns' (2015) 7(2) *Contemporary Italian Politics* 141.

³⁷ *ibid* 144.

³⁸ *ibid* 145.

with the timing and the political scene of the time.³⁹ This last point is something that Tryfonidou argues against: Ozzano himself has showed that, from 2006 to 2013, the process of Europeanization and supranational pressure, among others, have contributed to developing a less reluctant attitude towards queer issues;⁴⁰ consequently, European institutions and the ECtHR should not wait for societal approval before recognizing the need for LGB⁴¹ people to enjoy their human rights fully, but rather be the promoting engine of it. There is no right time or political opportunity, on Tryfonidou's account, for hearts and minds to change.⁴² And civil society works in full awareness of this.

Ayoub and Stoeckl affirm that local actors and civil society are the 'norm brokers', who know and do what is right to do to support their local communities.⁴³ This, however, should not be understood as a responsibility-shifting towards civil society; rather, local actors and the institutions ought to collaborate. Swiebel adds that while the expertise of civil society is paramount, institutional openness and public authority action are crucial to ensure visibility and effective protection.⁴⁴ Furthermore, institutional openness needs to be backed by institutional competence.⁴⁵ The meaning of competence can be interpreted both as having the powers and tools to introduce and welcome queer issues within institutions, which is what Swiebel intends to convey, and as education, knowledge, and understanding. Ignorance of the subject and the lived experiences of community members might result in increased resistance and destructive criticism. This double meaning therefore underscores two questions: whether Italian institutions in fact possess such knowledge and understanding of queer issues, and, if a deficit exists, how it shapes society's openness or reluctance toward the subject.

The institutional and political promotion of certain ideas, in fact, might or might not succeed in shaping public opinion. O'Dwyer explains that external incentives might not be suitable to explain the behaviors or changes thereof of society at large;⁴⁶ arguably, the same might not happen for internal incentives. Statistics from Orbán's Hungary, for example, report that the political anti-queer stance did not necessarily result in a more

³⁹ *ibid* 142, 149–154.

⁴⁰ *ibid* 144–145, 154.

⁴¹ Tryfonidou's study mentions LGB people due to it not tackling gender identity but rather the minoritarian community of people with non-heterosexual sexual orientations.

⁴² Tryfonidou, 'Positive State Obligations under European Law' (n 4) 111–112.

⁴³ Ayoub and Stoeckl (n 15) 40–51.

⁴⁴ Joke Swiebel, 'Lesbian, Gay, Bisexual and Transgender Human Rights: The Search for an International Strategy' (2009) 15(1) *Contemporary Politics* 19, 32.

⁴⁵ *ibid* 22.

⁴⁶ O'Dwyer (n 34) 336.

homotransphobic society;⁴⁷ clearly, however, it might have slowed the progress of queer rights since, as noted before, civic engagement needs to be accompanied by institutional openness. Meloni's Italy, despite the similar democratic illiberalism, demonstrates quite the opposite. Here, in fact, politics, backed by the aforementioned sociocultural phenomena, has an important stronghold on preserving anti-queer sentiments in Italy.⁴⁸

Treating the country as a uniform base is, however, too simplistic. Within Italy, many different realities co-exist under different lenses: sociocultural, economic, infrastructural, historical, political, legal, and others. Notwithstanding this, scholarly literature that addresses such realities in a region-specific way is limited, preferring instead to tackle the macroareas (commonly being the South, the Center, and the North) or the whole territory. The available literature becomes thinner the more intersectional the research is. One of these contributions comes from D'Ippoliti and Schuster, who identify and analyze patterns of discrimination against the LGBTQIA+ community in Italy with added emphasis on the South of Italy. The results were interesting: despite the South's structural insufficiencies, for example on the economic level, it does not seem to be more homotransphobic or sexist overall, aside from gay men, who experience more bias-motivated insults and harassment in the South.⁴⁹ Homotransphobia is generally found in men and women older than 35–40, with low or average education, from small and medium cities in the Center–North and small and big cities in the South.⁵⁰ Additionally, there seem to be less organizations and associations in the South, which offer visibility and services but operate with limited economic availability, especially associations related to transgender rights, and the active engagement in them is relatively low.⁵¹ The study also shows that, when a child comes out (i.e. reveals their SOGI) to their parent, the reaction is often of shock or negationism, from which the topic is often put to the side and left to become a taboo. The reasons behind this are identified in a lack of resources or cultural repertoire that would normalize homosexuality prior to the child's coming out.⁵² Lastly, LGBTQIA+ topics are usually considered secondary due to the many

⁴⁷ Háttér Társaság, 'Milliókat költött a kormány a propagandára, a többség mégis védené az LMBTQI embereket a diszkriminációtól' [The Government Spent Millions on Propaganda, yet the Majority Would Protect LGBTQI People from Discrimination] (Háttér Társaság, 1 February 2023) <https://hatter.hu/hirek/milliokat-koltott-a-kormany-a-propagandara-a-tobbseg-megis-vedene-az-lmbtqi-embereke-t-a> accessed 30 June 2026.

⁴⁸ Ian Callahan and Karyn Loscocco, 'The Prevalence and Persistence of Homophobia in Italy' (2021) 70(2) *Journal of Homosexuality* 1, 16–17.

⁴⁹ Carlo D'Ippoliti and Alexander Schuster (eds), *DisOrientamenti: Discriminazione ed esclusione sociale delle persone LGBT in Italia* (UNAR 2011) 30–31, 90, 106.

⁵⁰ *ibid* 203.

⁵¹ *ibid* 66–70.

⁵² *ibid* 79–83.

other needs of the territory.⁵³ These findings therefore suggest that Sicily is not naturally more homotransphobic, but the conditions in which it is foster an environment of potentially higher risk.

With this, the gap this dissertation aims to fill is identified: whether Sicily's queer people are more vulnerable to violence and hate crimes, and whether, for this, Italy presents a heightened responsibility to protect and provide tailored measures, in light of its positive obligations under the ECtHR. In doing so, it draws together the doctrinal, ideological, intersectional, and territorial threads that the literature has developed separately, and directs them at a broader national case first and a specific sub-national level later, to finish off with a supranational level evaluation.

⁵³ *ibid* 181.

1.

QUEER ITALY
AND POSITIVE OBLIGATIONS
UNDER THE ECHR

'Europe is an LGBTIQ freedom zone.

Because Europe belongs to all of us.

It's the home of all of us, all – no exceptions.

And at home, we have the right to be safe and free

because that's what Europe is all about'.

Sophia in 't Veld⁵⁴

INTRODUCTION

What are positive obligations, and how do they bear upon Italy, Sicily, queer communities, and the question of hate crimes?

⁵⁴ Former Member of the European Parliament (MEP) and former Vice President of the LGBTI Intergroup, an informal group of MEPs who wish to advance and protect queer rights. Sophia in 't Veld, Declaration of the EU as an LGBTIQ Freedom Zone (Debate, European Parliament, 10 March 2021) Verbatim Report of Proceedings CRE-9-2021-03-10 https://www.europarl.europa.eu/doceo/document/CRE-9-2021-03-10-INT-3-207-0000_EN.html accessed 2 July 2026; European Parliament's LGBTI Intergroup, 'Home' (LGBTI Intergroup) <https://lgbti-ep.eu/> accessed 2 July 2026.

This chapter begins by developing an account of what positive obligations are, the sources from which they derive, and the duties they entail. Having established this doctrinal groundwork, it then turns to a selection of ECtHR cases, examining State obligations and accountability in the specific context of queer rights. From these concrete applications, the chapter moves to elaborate the central proposition of this dissertation: that the failure to act and to protect, particularly if deliberately, constitutes an act of violence in itself.

1.1 POSITIVE OBLIGATIONS UNDER THE ECHR

Italy has been involved in European affairs since their inception, and it is therefore no stranger to their policies. Among many relevant accomplishments, Italy has contributed to the drafting and adoption of the ECHR,⁵⁵ the provisions of which the ECtHR interprets and enforces to determine whether a member state has complied with its obligations under it. The ECHR contains provisions requiring States to refrain from certain actions to avoid human rights violations, commonly referred to as ‘negative obligations’.⁵⁶ Examples include Article 8 on the right to private and family life, home and correspondence, imposing that no interference shall occur in the enjoyment of this right except in necessary, and legitimate cases,⁵⁷ and Article 14 on the prohibition of discrimination, mandating that the same enjoyment of the rights and freedoms of the Convention applies to everyone, regardless of sex, race, national or social origins, or other status.⁵⁸ Some of the provisions, however, also contain calls for the State to act, rather than merely abstain from acting. These ‘positive obligations’ appear, for example, in Article 2 on the right to life: aside from punishing arbitrary killing, it also mandates that ‘the right to life shall be protected by law’.⁵⁹ Consequently, the Article imposes on States the duty to provide legislation that protects individuals within their territory from arbitrary death. The landmark *Belgian linguistic case* initiated and extended this trend, broadening the concept of POs to the present day, with most substantive ECHR provisions now characterized by both negative and positive aspects.⁶⁰ The

⁵⁵ Convention for the Protection of Human Rights and Fundamental Freedoms (as signed 4 November 1950, Council of Europe Archives) 18.

⁵⁶ Council of Europe, ‘Definitions’ (*ECHR Toolkit*, Council of Europe) <https://www.coe.int/en/web/echr-toolkit/definitions> accessed 31 May 2026.

⁵⁷ Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 4 November 1950, entered into force 3 September 1953, as amended by Protocol Nos 11, 14, and 15) ETS No 5 (ECHR) art 8.

⁵⁸ ECHR (n 57) art 14.

⁵⁹ ECHR (n 57) art 2.

⁶⁰ The case deals with six couples of French-speaking parents residing in Belgium and affirming that Belgium’s language-based education rules restricted the parents’ rights to make their children access education

doctrine was also developed by connecting Convention rights and Article 1 of the ECHR, which requires States to ensure that the rights and freedoms of the ECHR are secured.⁶¹ The reasons linked to the need for POs can be summarized as procedural duties within substantive rights and the distinction between formal and substantive equality. In the former case, while procedural duties were already part of the Convention through a few provisions, such as Article 6 on the right to a fair trial⁶² and Article 13 on the right to an effective remedy,⁶³ the affirmation of POs underscored the inherent procedural nature of substantive rights. That is, while the ECHR requires States to refrain from violating human rights, they now also have a duty to effectively investigate, establish accountability systems, and provide remedy mechanisms when a violation occurs. The natural consequence of this is that the States' responsibility for private violations has increased, as, through POs, it is now arguable that a State that fails in the legal order might contribute to, or even be the reason for, human rights violations to occur and prosper. This phenomenon, which in Akandji-Kombe is referred to as 'horizontal effect', is central to this dissertation. While an individual's infringement does not directly lead to a State's violation, should there be an inadequate intervention or a failure to prevent, remedy, or punish the violation, the State might be found guilty in front of the ECtHR.⁶⁴ This is intensified when identities outside of historically privileged groups intersect: as a higher level of marginalization may occur, higher is the possibility of poorer treatment.⁶⁵ In light of this intersectional perspective, the establishment and execution of POs supports the transition from formal to substantive equality: the former recognizes everyone's sameness, the latter distributes resources at a higher or lower level in order for everyone to enjoy the same rights and freedoms, as well as making the State compliant to the Convention.

1.2 ITALY AT THE INTERSECTION OF POSITIVE OBLIGATIONS AND ITS QUEER COMMUNITY

in the Flemish language. The Court ruled the upholding of the Belgian system, although it found a violation under Article 14 read with Article 2 of Protocol No. 1 when some French-speaking children were denied access to French speaking schools due to their parents' residence. Case '*Relating to Certain Aspects of the Laws on the Use of Languages in Education in Belgium*' v Belgium (1968) Series A no 6 (*Belgian Linguistic case*).

⁶¹ European Court of Human Rights, *Guide on Article 1 of the Convention: Obligation to Respect Human Rights – Concepts of "Jurisdiction" and Imputability* (Council of Europe 2026) para 150.

⁶² ECHR (n 57) art 6.

⁶³ ECHR (n 57) art 13.

⁶⁴ Jean-François Akandji-Kombe, *Positive Obligations under the European Convention on Human Rights: A Guide to the Implementation of the European Convention on Human Rights* (Human Rights Handbooks No 7, Council of Europe 2007) 14.

⁶⁵ Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1989 *University of Chicago Legal Forum* 139, 149.

Having established the doctrinal foundations of POs and their grounding in substantive equality, it is now necessary to examine how these principles have (not) materialized in the Italian context. The main ECtHR cases concerning a violation against the queer community and brought against Italy are:

1. *Oliari and Others v Italy* (2015).

The case was brought by three same-sex couples living in Italy. One of the couples, composed by Mr. Oliari and Mr. A., was denied the possibility to publish their marriage banns due to same-sex marriage being forbidden in Italy, which was later confirmed by the domestic Courts. The ECtHR found a violation of Article 8 for Italy's failure to create the legal structure for them to enjoy their family life effectively.⁶⁶

2. *Taddeucci and McCall v Italy* (2016).

The two applicants, the former being Italian and the latter being a New Zealander, brought the case to the Court of Strasbourg because Mr. McCall was denied a residence permit for family reasons. The reasoning behind it was again the lack of legal recognition for same-sex couples through marriage. The Court found a violation of Article 14 taken with Article 8 for discrimination on grounds of sexual orientation: while cisgender couples have the possibility to marry and then benefit from a residence permit for family reasons, queer couples do not.⁶⁷

3. *Orlandi and Others v Italy* (2017).

Six same-sex couples brought the case to Strasbourg as their marriage contracted abroad was not recognized by Italy due to the *Taddeucci* reason. The lack of any recognition system left the couples in a 'legal vacuum': their marriages formally existed but carried no legal status or protection in Italy, leading to a violation of Article 8.⁶⁸

4. *S.V. v Italy* (2018).

The case involves a transgender woman who had socially transitioned⁶⁹.

⁶⁶ *Oliari and Others v Italy* App nos 18766/11 and 36030/11 (ECtHR, 21 July 2015).

⁶⁷ *Taddeucci and McCall v Italy* App no 51362/09 (ECtHR, 30 June 2016).

⁶⁸ *Orlandi and Others v Italy* App nos 26431/12, 26742/12, 44057/12 and 60088/12 (ECtHR, 14 December 2017).

⁶⁹ Namely adopting 'the name, pronouns, gender expression (e.g., clothes, haircut) and/or gender roles that match their gender identity [...] which could decrease gender dysphoria and subsequently improve self-esteem and global functioning'. Jack L Turban, 'Transgender Youth: The Building Evidence Base for Early Social Transition' (2017) 56(2) *Journal of the American Academy of Child and Adolescent Psychiatry* 101, 101,

Notwithstanding this, her identity documents still recorded her *deadname*⁷⁰, and her request to amend it prior to her gender affirmation surgeries⁷¹ was denied as the latter were a prerequisite that needed to be satisfied first. The Court found a violation of Article 8, as her former name is not representative of herself anymore, which may trigger ‘feelings of vulnerability, humiliation and anxiety’.⁷² Thus, Italy was ruled non-compliant with its PO to ensure the applicant’s private life is respected.⁷³

No case related to physical violence or murder has been brought up to the Court, yet all four cases above deal with the harm that the unequal treatment coming from absent legal systems or demanding bureaucracy causes in queer individuals. Formally, Italy has complied with the obligations coming from these cases. Regarding the recognition of same-sex couples, Law no. 76/2016, also called the Cirinnà Law (after Monica Cirinnà, the bill’s main rapporteur, promoter, and author), legalizes same-sex civil unions and regulates de facto cohabitation for both cishet and queer couples.⁷⁴ *Oliari* (because the judgment came before the Cirinnà Law was passed, unlike the other two cases in question) was a catalyst for the reform to pass under international legal urgency. As per *S.V. v Italy*, the Italian Court of Cassation and the Constitutional Court ruled that undergoing surgical operations does not function as a prerequisite to change one’s legal name in their documents any longer. An important detail here is that, while the Strasbourg ruling came in 2018, the decision of the domestic Courts came in 2015. With this, one could assume that *S.V. v Italy* did not necessarily catalyze the domestic result, and that the country operated within its own capacity. In fact, this results from ongoing sociocultural changes viewing gender identity as a complex mix of factors that are not limited to physical traits, but also psychological and social ones.⁷⁵ Notwithstanding this, the ECtHR still had a major influence on Italy’s shift in mindset regarding the interpretation of Law no. 164/1982 on legal gender recognition. Case

cited in Jack L Turban and others, ‘Timing of Social Transition for Transgender and Gender Diverse Youth, K-12 Harassment, and Adult Mental Health Outcomes’ (2021) 69(6) *Journal of Adolescent Health* 991, 992.

⁷⁰ ‘A name assigned at birth that a trans person no longer identifies with’. Ace S Chen and Kathryn E Ringland, ‘Name is a Required Field: Politics of Deadnaming in Administrative Systems’ in *Extended Abstracts of the CHI Conference on Human Factors in Computing Systems* (Association for Computing Machinery 2025) 2.

⁷¹ Gender Affirmation Surgery (GAS), refers to the surgical genital, facial and bodily operations aimed at obtaining an appearance that matches one’s identity.. Gennaro Selvaggi, Christopher J Salgado, Stan Monstrey and Miroslav Djordjevic, ‘Gender Affirmation Surgery’ (2018) 2018 *BioMed Research International* 1768414, 1.

⁷² *S.V. v Italy* App no 55216/08 (ECtHR, 11 October 2018) para 72.

⁷³ *ibid* para 75.

⁷⁴ Legge 20 maggio 2016 n 76 'Regolamentazione delle unioni civili tra persone dello stesso sesso e disciplina delle convivenze' (Italy).

⁷⁵ Corte Costituzionale, sentenza 5 November 2015, 4.1.

law had already established that gender identity fell within the scope of private life; accordingly, the Constitutional Court assessed the Italian rule also under Article 8 ECHR, alongside the constitutional protection of personal identity, dignity, health, and self-determination. It is then fair to assume that while Italy has the means to reinterpret and adapt specific laws for the benefit of the applicant, the influence of supranational institutions is often the driving force.

These successes came with several shortcomings. Firstly, unlike marriages, civil unions are not uniformly understood across borders and often enjoy weaker recognition abroad.⁷⁶ Secondly, the Cirinnà Law bans the practice of stepchild adoption due to political opposition fearing a subsequent legitimization and possible legislation in favor of surrogacy.⁷⁷ This fear later materialized in the Law No. 169/2024, also called the Varchi Law (from politician Maria Carolina Varchi, primary sponsor of the law), that declares surrogacy in Italy and abroad a universal crime.⁷⁸ Furthermore, Medically Assisted Procreation (MAP) is limited to cisgender couples;⁷⁹ in the event of a queer couple performing MAP in another country where the practice is legal, therefore resulting in childbirth, it would be the gestational parent only to be considered the effective ‘mother’ (regardless of the parent’s gender identity).⁸⁰ A workaround has been found in the recent judgment no. 68/2025 of the Constitutional Court allows for the intentional mother of a child born in Italy from MAP carried out abroad by a female same-sex couple, to be recognized as a mother, provided she consented to the reproductive project; this, however, does not amount to adoption, but recognition of parental status. Adopt a child who was not born to either of the two queer partners is also not an option.⁸¹ Here again, a partial judicial workaround has been found through *adozione in casi particolari* [adoption in particular cases] under Article 44 of Law No. 184/1983,⁸² which allows for queer parents to adopt in cases where the laws make it impossible, but adoption is in the best interest of the child. This requires a court procedure, is assessed case by case, and

⁷⁶ Human Rights Watch, 'Non-Discrimination in Civil Marriage: Perspectives from International Human Rights Law and Practice' (Human Rights Watch Briefing Paper, September 2003) <https://www.hrw.org/legacy/backgrounder/lgbt/civil-marriage.htm> accessed 3 July 2026.

⁷⁷ Senato della Repubblica, *Resoconto stenografico della seduta n 571* (XVII legislatura, 3 febbraio 2016) https://www.senato.it/show-doc?tipodoc=resaula&leg=17&id=964345&part=doc_dc accessed 20 June 2026.

⁷⁸ Legge 4 novembre 2024, n 169 'Modifica all'articolo 12 della legge 19 febbraio 2004, n 40, in materia di perseguibilità del reato di surrogazione di maternità commesso all'estero da cittadino italiano' (GU n 270, 18 November 2024).

⁷⁹ Legge 19 febbraio 2004, n 40 (Norme in materia di procreazione medicalmente assistita), art 5(1).

⁸⁰ Codice civile, art 269, para 3.

⁸¹ Legge 4 maggio 1983, n 184 (Diritto del minore ad una famiglia), art 6(1).

⁸² *ibid*, art 44.

depends on judicial interpretation,⁸³ making the process expensive, lengthy, and uncertain. These conditions of precarity as per queer family-being and family-making places queer people in a sphere of exceptionality, conditionality, unnaturalness, and untrustworthiness. Although the law has been a historical success, former Senator Monica Cirinnà herself stated in 2017 and then re-affirmed in 2026 that her law needs to be replaced with a legal institution that is inclusive of all family formations and guarantees equality in accessing pathways to parenthood and MAP.⁸⁴

As per *S.V. v Italy*, the case resulted in accepting a framework in which legal gender recognition remains connected to a judicially supervised transition process, which entails time, financial costs, legal representation, possible expert assessments, and reliance on judicial interpretation. In fact, while the Court condemned the excessive delay in allowing the applicant to change her first name,⁸⁵ it did not require Italy to adopt a depathologized, administrative model of legal gender recognition based on self-determination. This procedure therefore treats transgender individuals not as autonomous subjects whose gender identity can be recognized on the basis of self-determination, but rather as required to persuade a court that their gender identity is sufficiently serious, stable, and legitimate through medical, psychological, or expert evidence to warrant legal recognition. A further limitation of the judgment is that it does not address the position of non-binary persons, thereby leaving intact the binary assumptions underpinning the Italian framework. Therefore, although *S.V. v Italy* represents an important step forward, it does not dismantle the deeper system of judicial, medical, and binary control over trans identity.

1.3 QUEER-PROTECTING POSITIVE OBLIGATIONS FROM FOREIGN CASE LAW

When the Court of Strasbourg develops a principle under the Convention, that principle becomes part of how the Convention is interpreted for all States that have ratified

⁸³ *ibid*, art 57.

⁸⁴ Maria Novella De Luca, 'Gay, la sfida di Cirinnà: "E adesso diciamo sì a nozze e adozioni"' (*la Repubblica*, 19 June 2017) https://www.repubblica.it/politica/2017/06/19/news/gay_la_sfida_di_cirinna_e_adesso_diciamo_si_a_nozze_e_adozioni_-168498161/ accessed 7 June 2026; Federico Giuliani, 'Monica Cirinnà: "La legge sulle unioni civili va cancellata, serve una riforma radicale del diritto di famiglia"' (*Gay.it*, 12 May 2026) <https://www.gay.it/monica-cirinna-legge-unioni-civili-va-cancellata-riforma-diritto-famiglia> accessed 7 June 2026.

⁸⁵ *S.V. v Italy* (n 72) para 75.

it.⁸⁶ For this, the findings and outcomes of the following cases also apply to Italy. Several queer cases have been brought to the Court, but I hereby mention five of them for relevance to the core topic of hate crimes against queer communities.

1. *Identoba and Others v Georgia*.

The case concerns the LGBTQIA+ advocacy group Identoba and 14 Georgian nationals who organized a peaceful march in central Tbilisi on the occasion of the International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT). The marchers had requested the Ministry of Interior to provide police protection, but the patrols failed to protect the marchers from a counter-demonstration characterized by verbal and physical assaults. The Court found a violation of Article 3 (on the prohibition of torture, inhuman and degrading treatment and punishment)⁸⁷ together with Article 14 ECHR for failure to protect the applicants from violence and failure to investigate potential homotransphobic biases. Additionally, the Court also found a violation of Article 11 together with Article 14 for failure to ensure the right to a peaceful assembly without discriminatory interference.⁸⁸

2. *M.C. and A.C. v Romania*.

The case concerns a verbal and physical attack against the applicants after the yearly Bucharest Pride Parade, carried out by six men and a woman. The authorities failed to act promptly, to identify the attackers, and to investigate the potential homotransphobic motive. This resulted in a violation of Article 3 together with Article 14 as ruled by the Court.⁸⁹

3. *Sabalić v Croatia*.

Upon being approached by a man and disclosing her homosexuality, the applicant was verbally and physically assaulted by the man in question. The latter was punished in minor-offense proceedings and received a fine of approximately forty euros, a punishment that does not reflect the seriousness of the discriminatory motive and does not provide adequate protection to the victim, as per the Court's judgment. A violation of Article 3 together with Article 14 was consequently found.⁹⁰

⁸⁶ Oddný Mjöll Arnardóttir, 'Res Interpretata, Erga Omnes Effect and the Role of the Margin of Appreciation in Giving Domestic Effect to the Judgments of the European Court of Human Rights' (2017) 28 *European Journal of International Law* 819, 819.

⁸⁷ ECHR (n 57) art 3.

⁸⁸ *Identoba and Others v Georgia* App no 73235/12 (ECtHR, 12 May 2015).

⁸⁹ *M.C. and A.C. v Romania* App no 12060/12 (ECtHR, 12 April 2016).

⁹⁰ *Sabalić v Croatia* App no 50231/13 (ECtHR, 14 January 2021).

4. *Genderdoc-M and M.D. v Moldova*.

The applicant, M.D., had previously received verbally degrading comments from an individual who later physically assaulted him. The case was treated as an ordinary interpersonal attack by the Moldovan authorities, and a homophobic motive was not included in the case investigation. This resulted in the finding of a violation of Article 3 together with Article 14.⁹¹

5. *Beizaras and Levickas v Lithuania*.

The two applicants, a same-sex couple, faced a wave of hateful online comments after one of them posted a photograph of the couple kissing on Facebook. The Lithuanian authorities refused to open a pre-trial investigation, characterizing the couple's conduct as provocative and an investigation as a waste of resources. The Court found that this refusal to be driven by discriminatory attitudes, resulting in a violation of Article 14 taken together with Article 8, as well as a violation of Article 13.⁹²

These cases instruct what the State would have to do in the event of similar anti-queer violence occurring anywhere in the country. Italy and all Contracting States are legally required to protect queer individuals from foreseeable violence that takes place not only during high-visibility events but also in ordinary life. Should violence occur, the State authorities must protect the victims, treat the case with due seriousness, act in a timely manner, punish the attacker duly, investigate potential discriminatory motives, and, if the latter are found, treat the event as an anti-queer hate crime. Evidently, the Court's case law does not impose on States an impossible duty to prevent every act of private violence.⁹³ Rather, it requires authorities to take reasonable preventive and investigative measures where they knew or ought to have known of a real risk, and where the circumstances disclose indications of a discriminatory motive.⁹⁴

CONCLUSION

This chapter has clarified what POs are and what baseline measures it requires States to implement to protect their queer citizens, mapping several of the principal queer cases before the Court of Strasbourg. Similarly, the chapter has given a first impression of the

⁹¹ *GenderDoc-M v Moldova* App no 9106/06 (ECtHR, 12 June 2012).

⁹² *Beizaras and Levickas v Lithuania* App no 41288/15 (ECtHR, 14 January 2020).

⁹³ *Osman v United Kingdom* App no 23452/94 (ECtHR, 28 October 1998) para 116.

⁹⁴ *Identoba and Others v Georgia* (n 88) para 66.

actions or lack thereof the Italian State has put in place for the recognition and protection of its queer citizens. Although formally compliant, the Italian State's conduct towards the LGBTQIA+ community appears to privilege reaction over initiative, confining compliance to the minimum necessary and acting only when compelled by obligations imposed from above. The following chapter therefore offers an overview of the Italian legal framework as it pertains to queer rights, and to hate crimes in particular, thereby giving an initial impression of whether the baseline measures identified here have in fact been instituted.

2.

ANTI-QUEER HATE CRIMES NATIONWIDE

*I will never, ever,
ask any of you for respect:
I will demand it’.*
Dominique Jackson⁹⁵

INTRODUCTION

Is Italy failing to protect its queer population from homotransphobic violence? And is this violence attributable to a deficiency of institutional capacity or, rather, to an absence of political will?

The chapter unfolds in four parts. The first situates Italy within the comparative European landscape on queer legislation. The second addresses the absence of hate crime protection on SOGIESC grounds, tracing the evolution of the Italian hate crime framework. The third interrogates the empirical record of homotransphobic violence, together with the methodological difficulties attending its measurement. The fourth surveys the criticism directed at Italy by European monitoring mechanisms and domestic civil society. These

⁹⁵ LGBTQIA+ rights activist Dominique Jackson pronounced this sentence during the speech she delivered as she received the HRC National Equality Award. Human Rights Campaign, 'Dominique Jackson at the 23rd Annual HRC National Dinner 2019' (YouTube, 1 October 2019) <https://www.youtube.com/watch?v=DhjxDgdB24U> accessed 2 July 2026, 07:00–07:09.

subchapters establish the empirical and legal foundation upon which the subsequent argument of this thesis concerning Italy's POs under the Convention will rest.

2.1 ITALY'S QUEER LEGAL AND POLITICAL FRAMEWORK

According to the 2026 Rainbow Map by ILGA-Europe, which reflects the legal and policy situation for the human rights of LGBTI people in Europe, Italy ranks 36th out of 49 Council of Europe member states. Its overall average score, with 100% being the optimal level of full equality and protection, is 24.11%. The Rainbow Map also analyzes the countries' evolution in terms of LGBTI-positive legislation. Since 2013, the earliest year the map shows, Italy has shown little change in its percentage, reaching the lowest in 2013 (19.40%) and the highest in 2014 (27.40%) (Figure 1).⁹⁶

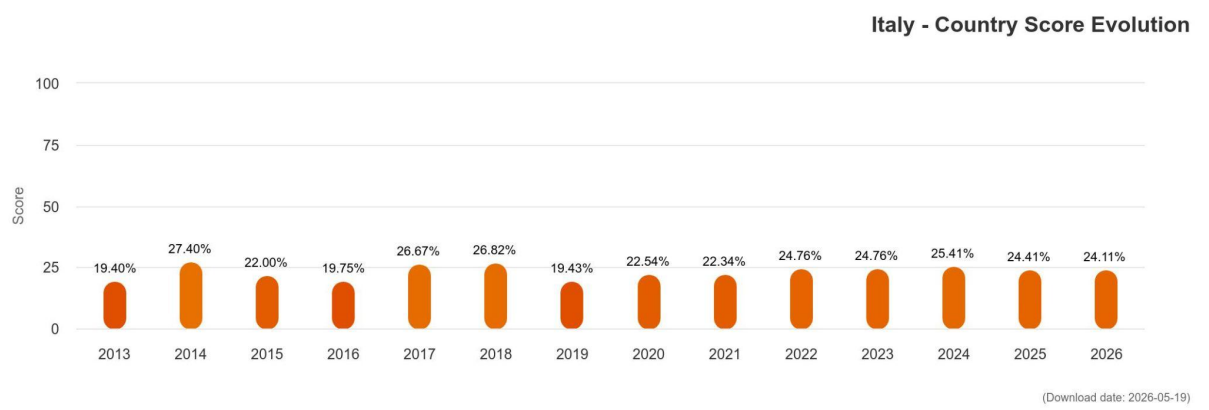


Figure 1: Italy's 2026 Rainbow Map Country Score Evolution⁹⁷

Throughout these years, seven governments have been in place in Italy, shifting through grand coalitions, populist alliances, technocratic leadership, and the current center-right political coalition.⁹⁸ The generally long-standing stability of Italy's overall LGBTI-related score indicates, therefore, that the political ideologies of the ruling party are influential, but the lack of further progress suggests an underlying insufficiency. As explained in the previous chapter, in fact, Italy's posture is one where LGBTQIA+ rights advance only

⁹⁶ ILGA-Europe, *Rainbow Map* (ILGA-Europe 2026) <https://rainbowmap.ilga-europe.org/> accessed 19 May 2026.

⁹⁷ ILGA-Europe, *Rainbow Map* (n 96).

⁹⁸ Governo Italiano, 'I Governi dal 1943 ad oggi' (Presidenza del Consiglio dei Ministri) <https://www.governo.it/it/i-governi-dal-1943-ad-oggi/191> accessed 3 July 2026; 'Partiti politici italiani' (*Politica Semplice*) <https://www.politicasemplice.it/capire-politica/partecipazione-politica/partiti-politici/principali-partiti-politici/> accessed 3 July 2026.

when the cost of inaction exceeds the cost of reform. While some progress such as the Cirinnà Law suggests that the State has not been uniformly pursuing an anti-LGBTQIA+ agenda, it must be noted that the current right-wing government under Prime Minister Giorgia Meloni has shown a more active posture of resistance towards queer progress. The ILGA-Europe Annual Review 2026 records, for example, the government's continued campaign against the so-called 'gender theory' in schools,⁹⁹ which then materialized in the DDL Valditara [Valditara Bill]: approved in June 2026, it regulates sex and relationships education in Italian schools, introducing an absolute ban for kindergarten and elementary levels while requiring mandatory, prior written parental consent for middle and high school students.¹⁰⁰ Furthermore, in 2025, Italy did not sign European statements condemning Hungary's ban on Pride events and anti-LGBTI laws.¹⁰¹ Italy is therefore currently shifting from omission to omission combined with active defiance.

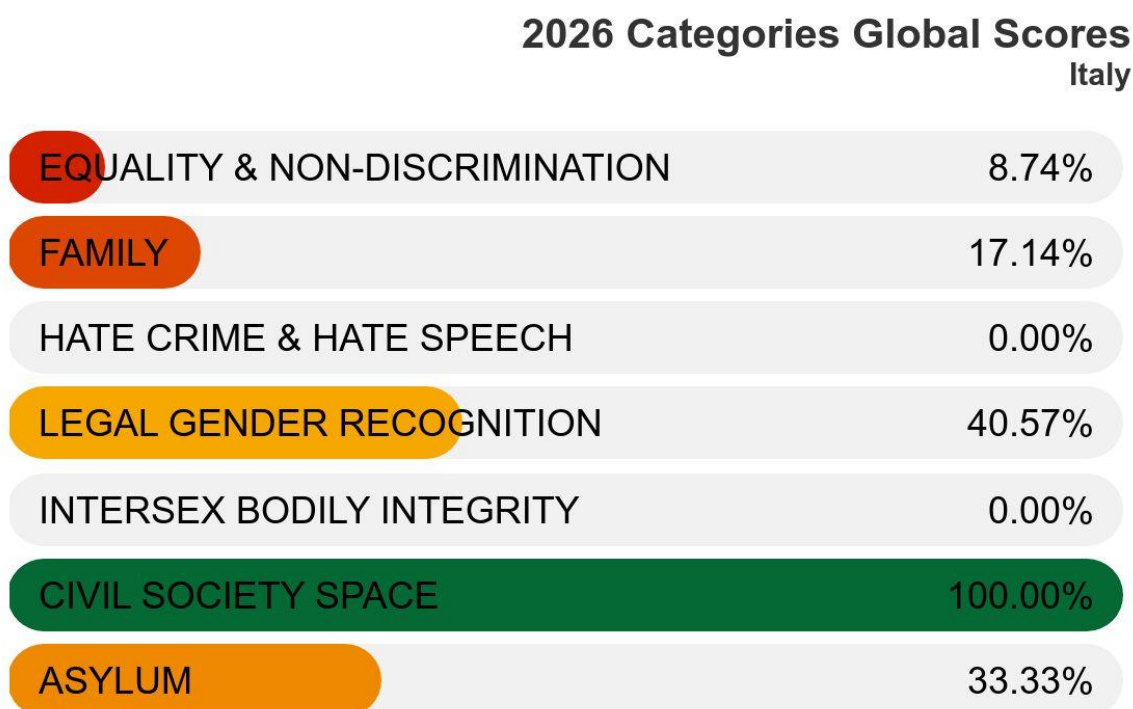
2.1.1 EXISTING QUEER LEGISLATION

The overall score of 24.11% can be disaggregated by category, revealing which areas of LGBTI-related legislation Italy has in place (Figure 2): within each category, a higher score reflects more comprehensive supporting legislation.

⁹⁹ ILGA-Europe, 'Italy' in *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2026* (ILGA-Europe 2026) 1–2.
<https://www.ilga-europe.org/files/uploads/2026/02/Annual-Review-2026-Italy.pdf> accessed 27 June 2026.

¹⁰⁰ From Giuseppe Valditara, current Minister of Education and Merit and sponsor of the bill. Legge 104/2026 (n 22).

¹⁰¹ ILGA-Europe, 'Italy' (n 99) 2.



(Download date: 2026-05-19)

Figure 2: Italy's 2026 Rainbow Map Categories Global Scores¹⁰²

The previous chapter already analyzed two provisions related to the queer community, namely same-sex civil unions and legal gender recognition without mandatory surgery of the primary sexual characteristics. It was also noted that neither of these provisions came directly from within, but were rather driven by international pressure and rulings of the Court of Strasbourg. Aside from these, Legislative Decree 216/2003¹⁰³ protects (part of) the LGBTQIA+ community from discrimination. The Decree prohibits direct and indirect discrimination, harassment, and instructions to discriminate in employment and occupational settings based on religion or belief, age, disability, and sexual orientation. It serves as the official implementation of the Council Directive 2000/78/EC, also called the Employment Equality Directive, which ‘seeks to eliminate, on grounds relating to social and public interest, all discriminatory obstacles to access to livelihoods and to the capacity to contribute to society through work, irrespective of the legal form in which it is provided’.¹⁰⁴ It is important to note that both the European Directive and the Legislative Decree were passed in

¹⁰² ILGA-Europe, *Rainbow Map* (n 96).¹⁰³ Decreto legislativo 9 luglio 2003, n 216 'Attuazione della direttiva 2000/78/CE per la parità di trattamento in materia di occupazione e di condizioni di lavoro' (GU n 187, 13 August 2003).¹⁰⁴ Council Directive 2000/78/EC (n 5).

the early 2000s, constituting a significant positive development considering that, in that period of time, Europe was characterized by uneven recognition of the queer community and an overall ignorance and reluctance towards queer visibility (individually, as couples, through public demonstrations, etc.).¹⁰⁵ As per civil society, Italy achieves a 100% score due to the lack of legal or state obstructions for LGBTI organizations to register, assemble, and access funding.¹⁰⁶

Despite these positive indicators, several notable deficiencies merit critical examination. Although the Decree formally transposed Directive 2000/78/EC into Italian law, the European Commission later initiated infringement procedure 2006/2441 against Italy for incorrect implementation of the Directive. The Commission's concerns related, among other things, to the breadth of the exceptions contained in Article 3 of Legislative Decree No. 216/2003, which regulated when differential treatment could be justified.¹⁰⁷ Law No. 101/2008 amended the Decree through Article 8-septies, which expressly refers to the Commission's letter of formal notice in infringement procedure No. 2006/2441 concerning the transposition of Directive 2000/78/EC. The 2008 amendment responded by tightening those exceptions: it inserted the requirement that differential treatment pursue a legitimate aim,¹⁰⁸ deleted the broad suitability-assessment clause concerning the armed forces, police, prison and rescue services,¹⁰⁹ and revised the provisions on occupational requirements and age-related differential treatment.¹¹⁰ Two further limitations narrow the Decree's protective reach. The Decree grants an exception for religious entities to restrict employment or terminate a contract based on sexual orientation, although only when adherence to their moral doctrine constitutes a genuine and essential requirement for that specific role.¹¹¹ Secondly, the Decree protects individuals from employment discrimination based on religion, belief, age, disability, or sexual orientation, but not on gender identity, gender expression, or sexual

¹⁰⁵ European Parliament Resolution of 26 April 2007 on Homophobia in Europe [2007] P6_TA(2007)0167.

¹⁰⁶ ILGA-Europe, *Rainbow Map* (n 96).

¹⁰⁷ Letter of formal notice of the European Commission of 12 December 2006, infringement procedure 2006/2441, as cited in Marta Cartabia, *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation – Italy* (European Union Agency for Fundamental Rights 2008) 7 https://fra.europa.eu/sites/default/files/fra_uploads/326-FRA-hdgso-NR_IT.pdf accessed 27 June 2026.

¹⁰⁸ Without such a limitation, employers could have invoked vague institutional interests to justify differential treatment based on, for example, sexual orientation.

¹⁰⁹ Although the provision did not expressly authorize discrimination against LGBTQIA+ persons, its broad wording risked allowing stereotypes about sexual orientation to enter suitability assessments in public-security employment. This could have weakened the protection offered by the Decree by permitting employers to frame exclusion not as discrimination, but as a question of occupational suitability.

¹¹⁰ Legge 6 giugno 2008, n 101 'Conversione in legge, con modificazioni, del decreto-legge 8 aprile 2008, n. 59, recante disposizioni urgenti per l'attuazione di obblighi comunitari e l'esecuzione di sentenze della Corte di giustizia delle Comunità europee' (GU n 132, 7 June 2008) art 8-septies.

¹¹¹ Decreto legislativo 216/2003, art 3, paras 4–6.

characteristics;¹¹² it must be noted, however, that such GIESC omission figures in the Council Directive as well.¹¹³ In sum, Italy's first explicit protection against sexual orientation discrimination in Italian law entered under supranational pressure and through a narrow and imperfect framework that later required amendment following another supranational push. Additionally, religious institutions have been granted an exception that may create a zone of ambiguity in which queer identity can be indirectly treated as professionally relevant. This may serve as additional proof regarding Italy's tendency toward minimum rather than proactive compliance, as well as an anticipation of the importance, influence, and exceptionality of religion and the Catholic Church for the Italian State.

2.2 ITALIAN HATE CRIME LAW AND THE FAILURE OF THE ZAN BILL

Figure 2 shows a complete absence of legal provisions and policies to protect the queer community in Italy from SOGIESC-motivated hate crimes and hate speech. Italy's hate crime legislation dates back to the end of the Second World War. Law No. 645/1952, also called the Scelba Law, is the cornerstone of the country's current anti-discrimination provisions. The Law prohibits the re-organization of the dissolved Fascist Party and forbids any apology, demonstration, or salute that incites to the (re)constitution of fascist movements.¹¹⁴ The Reale Law or Law No. 654/1975, twenty-three years later, served as the official implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,¹¹⁵ in a period characterized by the upsurge of neo-fascist and xenophobic organizations. Article 3 of the Law condemns racist propaganda, incitement to racial discrimination and to violence against racial, ethnic, or national groups, as well as acts of violence against said groups and the constitution of associations or organizations aimed at inciting hatred and racial discrimination. Rather than only being reactive in case of explicit and direct physical violence such as assaults, the Reale Law also opted for a preventive approach that also criminalizes non-physical hateful conduct, such as propaganda, through which physical violence may be produced.¹¹⁶ The successor to the Reale Law is Law No.

¹¹² Decreto legislativo 216/2003, art 1.

¹¹³ Council Directive 2000/78/EC (n 5), art 1.

¹¹⁴ From Mario Scelba, former Italian Minister of Interior who proposed and signed it. Legge 20 giugno 1952, n 645 (Italy).

¹¹⁵ International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195 (ICERD).

¹¹⁶ From Oronzo Reale, former Italian Minister of Justice mainly associated with the promotion of the law. Legge 13 ottobre 1975, n 654 (Italy).

205/1993, also known as the Mancino Law. Adopted as an ‘urgent measures’ provision due to extraordinary amounts of racial, xenophobic, and religious intolerance following the end of the Cold War, the Mancino Law expands on its predecessor by also condemning religious discrimination and introducing the concept of hate-related aggravating factor: should an offence stem from discriminatory biases, the base crime penalty is increased by up to one half.¹¹⁷ Since 2018, following Legislative Decree No. 21/2018 and the principle of *riserva di codice*,¹¹⁸ the core criminal provisions previously contained in the Reale-Mancino framework have been incorporated into the Italian Criminal Code. In particular, Article 604-bis now regulates propaganda and incitement to commit offences on racial, ethnic, national or religious grounds, while Article 604-ter contains the aggravating circumstance for ordinary offences committed for ethnic, national, racial or religious discriminatory or hateful purposes. As a result, Articles 604-bis and 604-ter currently constitute the main criminal-law framework governing hate-motivated conduct in Italy.¹¹⁹

As one can note, sexual orientation and gender identity do not belong in the category of protected characteristics in the current hate crime law. For this, in the occurrence of a homotransphobic hate-motivated crime, Italian judges may only treat it as an ordinary crime: based on the principle of legality (*nullum crimen, nulla poena sine lege*)¹²⁰ and the prohibition of analogy *in malam partem*,¹²¹ the aggravating factors cannot be extended to sexual orientation and gender identity unless these are explicitly mentioned in the related provision. Several attempts have been made to remedy this legal vacuum. Politician, journalist, and activist Franco Grillini, considered one of the main founders of the Italian queer movement, was among those who advocated expanding the protected characteristics to

¹¹⁷ From Nicola Mancino, former Italian Minister of the Interior who proposed and promoted the law. Legge 25 giugno 1993, n 205, *Conversione in legge, con modificazioni, del decreto-legge 26 aprile 1993, n 122, recante misure urgenti in materia di discriminazione razziale, etnica e religiosa* (Italy) (GU n 148, 26 June 1993).

¹¹⁸ ‘New provisions establishing criminal offenses may be introduced into the legal system only if they amend the criminal code or are included in laws that comprehensively regulate the matter’ [author’s translation]. Codice penale (Regio Decreto 19 ottobre 1930, n 1398) art 3-bis; Decreto legislativo 1 marzo 2018, n 21 ‘Disposizioni di attuazione del principio di delega della riserva di codice nella materia penale a norma dell’articolo 1, comma 85, lettera q), della legge 23 giugno 2017, n 103’ (GU n 68, 22 March 2018).

¹¹⁹ Codice penale (Regio Decreto 19 ottobre 1930, n 1398) art 604-bis (Italy); Codice penale (Regio Decreto 19 ottobre 1930, n 1398) art 604-ter (Italy).

¹²⁰ Which prohibits governments from punishing individuals for actions that were not explicitly illegal at the time they were committed. Kreshnik Myftari and Sevada Guço, ‘Prohibition of the Application of Criminal Law by Analogy within the Principle of Legal Certainty’ (2021) 9(5) Journal of Research in Humanities and Social Science 25.

¹²¹ Analogy in criminal law refers to ‘that interpretive process which, in the absence of a written legal regulation, implies the resolution of a case by reference to the resolution of a similar case (*analogis legis*) or by reference to the general principles of law (*analogis iuris*)’. In *in malam partem*, instead, implies that a law acts ‘to the detriment of the offender’. *ibid* 20.

include SOGIE in 2002 and 2006; however, his request was denied due to concerns that the law would be repealed.¹²² Other bills also proved unsuccessful, including Vendola (1996), Di Pietro (2009), Concia (2009 and 2011), and Scalfarotto (2013).¹²³ The latest attempt occurred in 2020 through the DDL Zan [Zan bill]. The bill sought to: extend the currently existing hate crime framework to cover sexual orientation, gender identity, gender, and disability as protected characteristics; establish a National Day against homophobia, lesbophobia, biphobia, and transphobia on 17 May, coinciding with the IDAHOBIT; establish dedicated support centres for victims of homotransphobic violence; formulate a national strategy on preventing and contrasting SOGI-based discrimination.¹²⁴ The bill passed the Chamber of Deputies on 4 November 2020 with a substantial majority, but received conservative opposition in the Senate that feared the bill would criminalize expressions of Catholic doctrine and restrict freedom of opinion. These objections misrepresented the text of the bill, which included an explicit safeguard clause protecting the expression of opinions and beliefs, provided they did not directly incite discrimination or violence.¹²⁵ The most institutionally significant episode in the bill's parliamentary trajectory was the Holy See's formal diplomatic intervention, which transmitted a note verbale to the Italian Foreign Ministry invoking the 1984 Agreement revising the Lateran Pacts of 1929, specifically Article 2, paragraphs 1 and 3, which guarantee the full freedom of the Catholic Church to carry out its pastoral and educational mission.¹²⁶ This diplomatic intervention provided significant political cover to those senators opposed to the bill, enabling a coalition of Lega, Fratelli d'Italia, Forza Italia (centre-right), and critically Italia Viva (centrist, initially supporting the bill) to mobilize against it. The bill was defeated in the Senate on 27 October 2021.¹²⁷

No serious successor legislative proposal has advanced since 2021, leaving the SOGIE gap merely unresolved and politically deprioritized. The defeat of the DDL Zan further eroded the already fragile institutional trust of Italy's queer community: reports from

¹²² Claudio Rossi Marcelli, 'Il ddl Zan e le rinunce del parlamento italiano' (*Internazionale*, 29 October 2021) <https://www.internazionale.it/notizie/claudio-rossi-marcelli/2021/10/29/ddl-zan-parlamento> accessed 14 June 2026.

¹²³ Stefano Ponti, 'Il DDL Zan spiegato articolo per articolo' (Avvocatura per i diritti LGBTI – Rete Lenford, 2021) <https://www.retelenford.it/wp-content/uploads/2021/05/DDL-ZAN-Stefano-Ponti-corretto-bis.pdf> accessed 13 June 2026.

¹²⁴ Disegno di legge n 2005, Misure di prevenzione e contrasto della discriminazione e della violenza per motivi fondati sul sesso, sul genere, sull'orientamento sessuale, sull'identità di genere e sulla disabilità (Senato della Repubblica, XVIII legislatura, approved by the Camera dei deputati 4 November 2020).

¹²⁵ *ibid* art 4.

¹²⁶ 'La lettera del Vaticano contro il ddl Zan' *Linkiesta* (22 June 2021) <https://www.linkiesta.it/2021/06/vaticano-contro-ddl-zan/> accessed 30 June 2026.

¹²⁷ Marcelli (n 122).

advocacy organizations reveal that many queer individuals conceal their identities to avoid harassment, reflecting a rational assessment of a legal system that offers them no specific protection.¹²⁸ The signal sent to potential perpetrators is equally legible: the ordinary penalty represents the full extent of the legal risk they incur, thus potentially motivating them to commit homotransphobic acts.¹²⁹ Had it been approved, the Zan bill would have operated simultaneously as a punitive, preventive, and restorative instrument, in line with the Committee of Ministers' Recommendation CM/Rec(2010)5.¹³⁰ The criminalization of homotransphobic bias as an aggravating circumstance, had it been enacted, would not itself have prevented hate crimes from occurring, but it would have performed an essential norm-signalling function as a precondition for a broader preventive architecture to develop around it.¹³¹ This failure finds concrete, if imperfect, expression in the following empirical record of homotransphobic violence in Italy.

2.3 HATE CRIME STATISTICS

The Italian government does not provide a clear definition of hate crime, and the lack of a law protecting queer individuals from homotransphobia results in such crimes not being classified as homotransphobic but rather as ordinary crime. For this, the data shown below is necessarily approximate.

¹²⁸ European Union Agency for Fundamental Rights, *EU LGBTIQ Survey III – LGBTIQ Equality at a Crossroads: Progress and Challenges – Country Data: Italy* (FRA 2024) https://fra.europa.eu/sites/default/files/fra_uploads/lgbtiq_survey-2024-country_sheet-italy.pdf accessed 7 June 2026.

¹²⁹ OSCE/ODIHR, *Hate Crime Laws* (n 25) 19–22.

¹³⁰ Committee of Ministers, Recommendation CM/Rec(2010)5 to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (adopted 31 March 2010).

¹³¹ OSCE/ODIHR, *Hate Crime Laws* (n 25) 28–31.

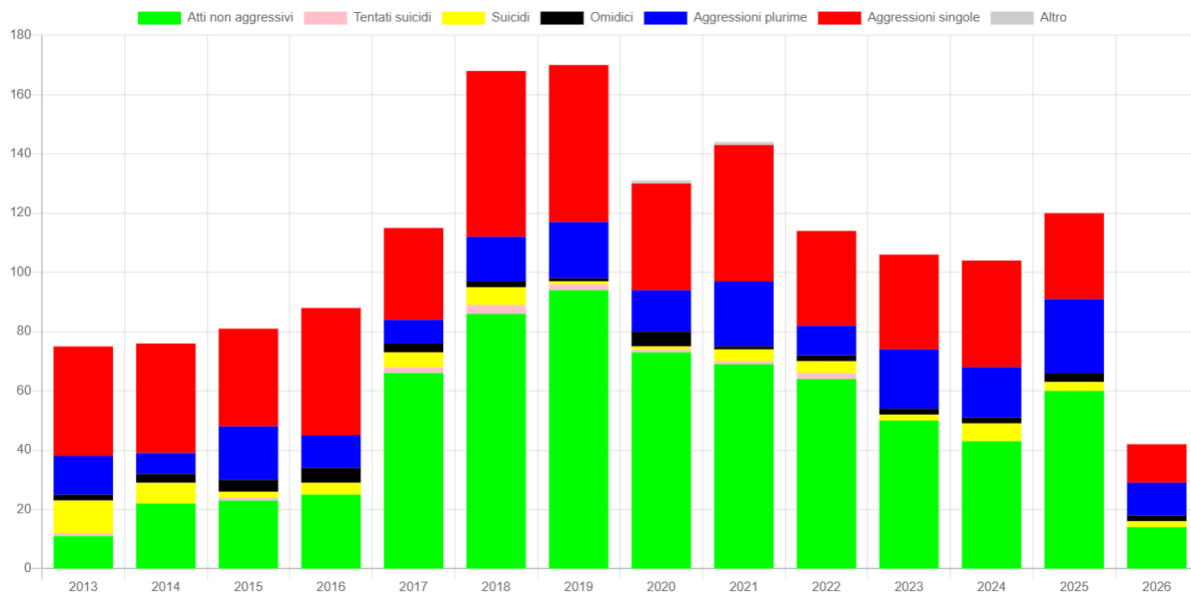


Figure 3: Annual evolution of homophobic hate crimes in Italy, 2013-2026¹³²

The figure above shows a total of 1533 homophobic hate crimes between 2013 and 2026, at the time of writing (Figure 3). Omofobia.org considers the following as homophobic hate crimes:

- Non-aggressive acts (700), in green;
- Attempted suicides (13), in pink;
- Suicides (58), in yellow;
- Homicides (37), in black;
- Multiple assault (inflicted by multiple perpetrators, 209), in blue;
- Single assault (inflicted by one perpetrator, 514), in red;
- Other, in gray (2).

Since 2013, the most frequent type of attacks has been non-aggressive acts, with 700 cases registered thus far. Single aggressions follow right after, with 514 cases. 42 homophobic hate crimes have been registered in 2026 thus far (the author conducted a follow-up review of the abovementioned statistics one month after the initial drafting of this subchapter, resulting in an update of the original figure from 27 to 42 cases), and the two years with the most attacks are 2019 and 2018: 170 and 168, respectively. This peak coincides with the emergence of multiple new sociopolitical attitudes and political figures.

¹³² La Tenda di Gionata, 'Trend annuale degli episodi di omofobia' (*Omofobia.org*) <https://www.omofobia.org/events/trend-graph-by-year> accessed 6 July 2026.

- On June 1st, 2018, the Lega-Movimento 5 Stelle government was instated. This government allowed for the maximum visibility of Matteo Salvini, the main political leader of the Lega party. A populist with a great popular following, during his mandate he stated, *inter alia*, ‘Difenderemo la famiglia naturale fondata sull'unione tra un uomo e una donna’¹³³, while classifying the registration of queer marriages contracted abroad as a ‘damage’.¹³⁴ With the support of Pro-Life organizations such as Pro-Vita Onlus, he also stated his disagreement with surrogacy, naming the practice ‘wombs for rent’, referring to it as a buying and selling of children, and conceiving it as ‘disgusting’.¹³⁵
- In 2018, Lorenzo Fontana of the Lega party was appointed Minister for Family and Disabilities. The former Minister is a fervent Catholic, and he has direct and close ties with far-right sympathizers and representatives. He deems gender ideology as one of the factors that intend to cancel the existence of the current community and traditions.¹³⁶
- In early 2019, Italy hosted the 13th World Congress of Families, a meeting of a network of interconnected organizations that advocate for the defense of the ‘natural family’ and the restriction of LGBTQIA+ rights.¹³⁷ Giorgia Meloni, at the time President of the post-fascist Party Fratelli d’Italia¹³⁸ and now also Prime Minister of Italy, and the afore-mentioned Matteo Salvini, were two of the speakers. The former strongly advocated for the defense of God, the homeland, and the family (a slogan used by the Fascist party for fascist propaganda),¹³⁹ the latter conspired that

¹³³ ‘Salvini: su carta d’identità niente genitore 1 e 2, solo madre e padre’ (*Sky TG24*, 10 August 2018) <https://tg24.sky.it/politica/2018/08/10/salvini-genitori-carta-identita> accessed 8 June 2026.

¹³⁴ *ibid.*

¹³⁵ Cristina Gramolini, ‘Utero in affitto, non sto con Salvini ma anch’io dico no alla maternità surrogata’ (*Il Fatto Quotidiano* (blog), 3 July 2018) <https://www.ilfattoquotidiano.it/2018/07/03/utero-in-affitto-non-sto-con-salvini-ma-anchio-dico-no-alla-maternita-a-surrogata/4467015/> accessed 7 June 2026.

¹³⁶ Sergio Rame, ‘Quando Fontana diceva: “Gay e immigrazione di massa cancellano il popolo italiano”’ (*il Giornale*, 2 June 2018) <https://www.ilgiornale.it/news/politica/quando-fontana-diceva-gay-e-immigrazione-massa-cancellano-1535884.html> accessed 7 June 2026.

¹³⁷ Southern Poverty Law Center, ‘World Congress of Families’ (*Southern Poverty Law Center – Extremist Files*) <https://www.splcenter.org/resources/extremist-files/world-congress-families/> accessed 7 June 2026.

¹³⁸ Sofia Ventura, *Giorgia Meloni e Fratelli d’Italia: Un partito personalizzato tra destra estrema e destra radicale* (Friedrich-Ebert-Stiftung, July 2022) <https://italia.de/fileadmin/DIG/Download-PDF/19408.pdf> accessed 7 June 2026.

¹³⁹ Michela Pugliese, ‘Italy’s Far-Right Victory: Part of a Growing Global Movement, and a Threat to Migrants’ Rights’ (*Euro-Med Human Rights Monitor*, 4 October 2022)

LGBTQIA+ activists intend to ‘erase gender’.¹⁴⁰ The event took place in Verona, a historically Catholic city, resistant to LGBTQIA+ rights, with strong far-right influences, as well as an officially-declared ‘pro-life’ city and Lorenzo Fontana’s birth and home place.¹⁴¹

This rising right and far-right political climate coincided with the disappearance of prosecution and sentencing data from ODIHR’s public dataset. In fact, while civil society provides useful and precious insights into LGBTQIA+ hate crimes, a national framework also exists. Police-recorded hate crime data come from the ordinary police database, also called Sistema di Indagine [SDI, Investigation System], and Osservatorio per la sicurezza contro gli atti discriminatori [OSCAD, Observatory for Security Against Acts of Discrimination]. SDI records bias motivations such as ethnicity, nationality, "race", religion, or crime against national linguistic minorities; OSCAD, instead, gathers data concerning discriminatory grounds other than those explicitly outlined in the law, including sexual orientation, gender identity, and disability.¹⁴² The Italian State then submits the gathered data, obtained also through collaboration with CSOs, to ODIHR, the OSCE Office for Democratic Institutions and Human Rights, which then compiles and publishes hate crime data submitted by participating States.¹⁴³

<https://euromedmonitor.org/en/article/5361/Italy's-far-right-victory:-Part-of-a-growing-global-movement,-and-a-threat-to-migrants'-rights> accessed 7 June 2026.

¹⁴⁰ Southern Poverty Law Center, 'WCF Verona: Where the "Wind of Change" Marked a Sea Change in Hate Group's Strategy' (*Hatewatch*, 3 April 2019) <https://www.splcenter.org/resources/hatewatch/wcf-verona-where-wind-change-marked-sea-change-hate-groups-strategy/> accessed 7 June 2026.

¹⁴¹ Angela Giuffrida, 'City of Love? Christian Right Congress in Verona Divides Italy' (*The Guardian*, 29 March 2019) <https://www.theguardian.com/world/2019/mar/29/city-of-love-christian-right-congress-in-verona-divides-italy-league-extremism> accessed 1 June 2026.

¹⁴² OSCE Office for Democratic Institutions and Human Rights (ODIHR), 'National Frameworks to Address Hate Crime in Italy' (ODIHR Hate Crime Reporting) <https://hatecrime.osce.org/national-frameworks-italy> accessed 14 June 2026, under 'Hate crime recording and data collection'.

¹⁴³ European Union Agency for Fundamental Rights, 'Observatory for Security against Acts of Discrimination (OSCAD)' (FRA Promising Practices) <https://fra.europa.eu/en/promising-practices/observatory-security-against-acts-discrimination-oscad-0> accessed 14 June 2026.

Anti-LGBTI Hate Crimes in Italy (2013-2024)

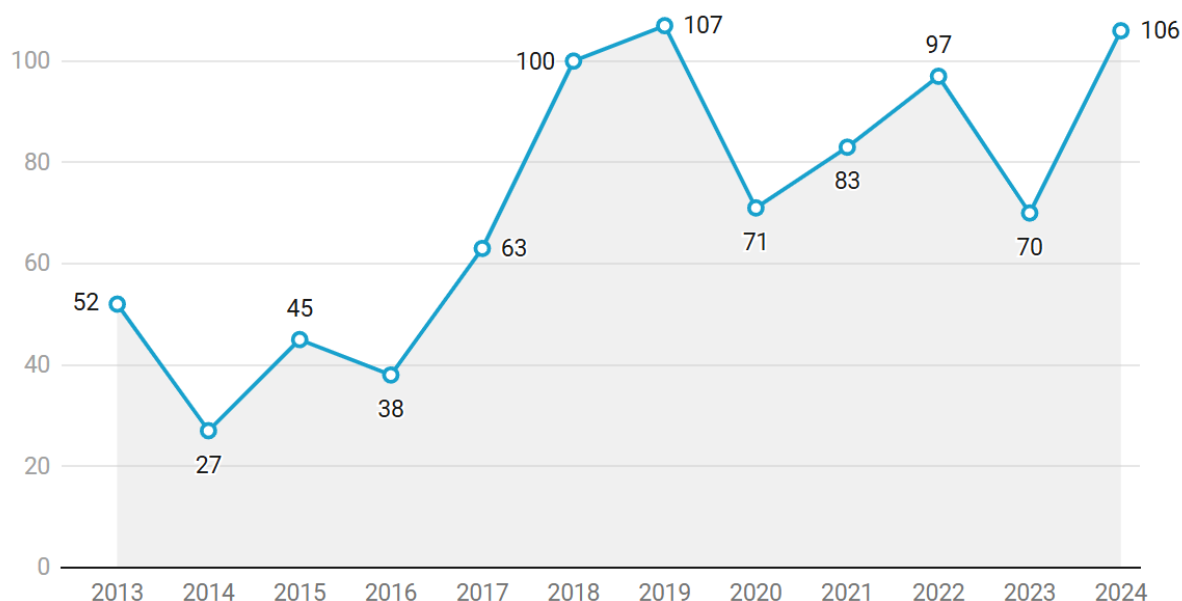


Figure 4: Evolution of police-recorded anti-LGBTI hate crimes in Italy, 2013-2024¹⁴⁴

The figure above is a collection of ODIHR's hate crime reports on Italy, from 2013 to 2024 (Figure 4). Unlike the previous graph, this figure shows lower numbers but a similar trend: initially lower, peaking in 2018 and 2019, then lower again, then higher. The total number of hate crimes within the allocated time frame is 859, significantly lower than civil society's 1372 (until 2024).¹⁴⁵ It must also be noted that the ODIHR figures are not disaggregated by specific types of offence (such as non-aggressive acts, homicides, single assaults, etc.); therefore, the lower number may reflect fewer categories being counted as hate crimes. This also accounts as a direct consequence of Italy's lack of an official definition of hate crime.

The totals above record not how much homotransphobic violence occurs in Italy, but only how much has been registered, classified, and counted. Two structural problems, examined in turn below, account for the gap. The first lies in the monitoring apparatus itself, which is fragmented, incompletely integrated, and only partially transparent, and for this even

¹⁴⁴ Table compiled by the author from ODIHR hate-crime reporting data for Italy, 2013–2024, drawn from the individual country records for each year (see e.g. OSCE Office for Democratic Institutions and Human Rights (ODIHR), 'Italy – 2013' (ODIHR Hate Crime Reporting, 2024) <https://hatecrime.osce.org/reporting/italy/2013> accessed 14 June 2026). The figures were checked individually for each reporting year.

¹⁴⁵ No more recent data is currently available. The year 2013 has been selected both for continuity with figures 1 and 3 and because the preceding records, which begin in 2009, do not disaggregate hate crimes by anti-LGBTI motivation, capturing only those classified as racist, antisemitic, or unspecified.

the violence reaching the authorities is not consistently followed through the criminal justice process. The second lies in the chronic underreporting of homotransphobic violence by victims who often do not come forward at all. Both trace back to the root: the absence of a legal framework naming homotransphobia as a distinct category of harm, which does not allow for violence to be reliably recorded and counted.

2.3.1 HATE CRIME STATISTICS, LIMITATIONS: DATA FRAGMENTATION

The statistical mismatch stems from limitations in Italy's hate crime monitoring. ODIHR notes that OSCAD data may not be present in the ordinary police database because they are recorded through a parallel and less fully integrated mechanism.¹⁴⁶ The problem, therefore, is not the total absence of monitoring, but the fragmentation and incompleteness of monitoring. Anti-LGBTQIA+ violence is institutionally recognized enough to be counted by OSCAD, yet it is not fully embedded in the ordinary hate crime recording structure in the same way as racial, ethnic, national, or religious hatred. As a result, an anti-LGBTQIA+ attack may be punished as an ordinary offence, while its homophobic or transphobic motive risks remaining less visible in the legal classification, prosecution, and sentencing of the case. ODIHR's data also reveal a further limitation: since 2018, Italy has continued to report police-recorded hate crime figures, but has not provided prosecution or sentencing data.¹⁴⁷ This creates an important transparency gap that hinders the assessment of whether recorded hate crimes are effectively followed through the criminal justice system, whether bias motives are recognized by prosecutors and courts, whether convictions are obtained, and whether penalties reflect the discriminatory nature of the offence. Given that the relevant bias motives are already absent from the main statutory hate crime aggravating provisions, this transparency gap creates a double invisibility. Finally, the lack of disaggregation per type of offence causes a lack of clarity on the concrete forms that violence takes, making it harder to design targeted prevention policies, assess victim needs, or evaluate the adequacy of institutional responses.¹⁴⁸ Where the system does not clearly record, classify, or follow

¹⁴⁶ OSCE Office for Democratic Institutions and Human Rights (ODIHR), 'Italy – 2024' (ODIHR Hate Crime Reporting, 2024) <https://hatecrime.osce.org/reporting/italy/2024> accessed 13 June 2026.

¹⁴⁷ *ibid.*

¹⁴⁸ European Union Agency for Fundamental Rights, *Hate Crime Recording and Data Collection Practice across the EU* (Publications Office of the European Union 2018) <https://fra.europa.eu/en/publication/2018/hate-crime-recording-and-data-collection-practice-across-eu> accessed 7 June 2026.

anti-LGBTQIA+ violence through the criminal justice process, victims may have fewer reasons to trust that reporting will lead to recognition or redress.¹⁴⁹

2.3.2 HATE CRIME STATISTICS, LIMITATIONS: UNDERREPORTING

The Fundamental Rights Agency (FRA) indicates that in 2023 only 8% of Italians who experienced a homotransphobic hate crime reported it to the authorities.¹⁵⁰ Alongside this, Gay Help Line, an Italian support and anti-violence service for the queer community, in its 2025 report, shows that only 12.81% of the victims who contacted their service then turned to the police. The victims cited persistent distrust in the system due to the lack of specific laws and the fact that many victims are not out in their family or workplace.¹⁵¹ Earlier reports similarly describe reporting to authorities as exceptional: the 2021 report states that the ‘near totality’ of users accessed Gay Help Line without reporting to the authorities, citing fear and lack of perceived protection.¹⁵² The FRA also explains that another plausible reason that demotivates reporting is the normalization of queer harassment and violence, which are, consequently, not deemed as worthy of reporting or serious enough by the victims themselves. This point is further confirmed by the Italy-specific data, which indicates that 26% of the Italians who experienced homotransphobic hate crimes in 2019 did not report due to the issue not being worth it.¹⁵³ With this information at hand, it is arguable that underreporting is not merely a matter of individual reluctance, but is connected to the broader legal and social environment in which victims assess whether reporting will be safe, useful, or even recognizable as anti-LGBTQIA+ violence.

2.4 ITALIAN AND EUROPEAN INSTITUTIONAL AND NGO CONCERNS

¹⁴⁹ ODIHR, *Hate Crime Laws* (n 25) 6.

¹⁵⁰ FRA, *EU LGBTIQ Survey III – Italy* (n 128).

¹⁵¹ Gay Help Line, ‘Gay Help Line: 21 mila contatti, il 48,7% subisce violenza in famiglia, aumenta la violenza in pubblico ed a scuola per LGBT+’ (*Gay Help Line*, 16 May 2025) <https://gayhelpline.it/en/gay-help-line-21-mila-contatti-il-487-subisce-violenza-in-famiglia-aumenta-la-violenza-in-pubblico-ed-a-scuola-per-lgbt/> accessed 1 June 2026.

¹⁵² Gay Help Line, *Report 2021* (Gay Help Line / Gay Center 2022) <https://gayhelpline.it/wp-content/uploads/sites/5/2022/05/Report-Gay-Help-Line-2021.pdf> accessed 7 June 2026.

¹⁵³ Pietro Demurtas, Beatrice Busi and Stefano Daddi, *L'ostilità vissuta dalle persone LGBT+ in Italia: Un'analisi delle fonti statistiche* (IRPPS Working Paper No 137/2023, IRPPS-CNR 2023) <http://site.irpps.cnr.it/index.php/wp/article/view/292> accessed 7 June 2026.

At both domestic and European levels, there has been consistent and recurrent criticism directed at Italy for not including sexual orientation and gender identity in its hate crime and hate speech laws.

The premier Italian legal advocacy network for LGBTQIA+ rights, *Rete Lenford – Avvocatura per i diritti LGBTI+*, has repeatedly highlighted how impossible it is under the present regime to prosecute homotransphobic crimes under hate crime provisions, asserting that without specific legislation, discriminatory acts can legally not be classified as homotransphobic.¹⁵⁴

The June 2024 open letter from ILGA-Europe to Italian political leaders states Italy continues to lack hate crime or hate speech laws including the aggravated grounds of sexual orientation, gender identity, or sex characteristics to protect LGBTI people from violence, and asserts that this is a violation of fundamental human rights standards imposed by entities including but not limited to the ECHR and Council of Europe Commissioner recommendations by the Italian government.¹⁵⁵

Former Council of Europe Commissioner for Human Rights Dunja Mijatović highlighted in 2023 the rising trend of queerphobic hatred and violence within Italy, calling for the legislature to close the gaps in anti-discrimination, anti-hate speech, and anti-hate crime laws in relation to SOGIESC, including a specific recommendation for enhancing institutional knowledge of and response to violence against LGBTI women.¹⁵⁶ These concerns were expressed in a broader context identified by ILGA-Europe, which noted that, since the new Italian government came into power in October 2022, LGBTI rights have increasingly been subject to political and legislative challenges rather than strengthened protection.¹⁵⁷

Lastly, the European Commission against Racism and Intolerance (ECRI), the Council of Europe's independent monitoring mechanism against racism and intolerance, through its fifth monitoring cycle report on Italy from 2016, recognized some progress

¹⁵⁴ Francesca Rupalti (Rete Lenford), quoted in Donald Padgett, 'Italy Erupts in Rallies, Protests Over Possible LGBTQ+ Hate Crimes Law' (*Out*, 19 October 2020) <https://www.out.com/politics/2020/10/19/italy-erupts-rallies-protests-over-possible-lgbtq-hate-crimes-law> accessed 26 May 2026.

¹⁵⁵ ILGA-Europe and others, 'Hate and Violence against LGBTI People in Italy: Open Letter to Political Leaders' (ILGA-Europe, 4 June 2024) <https://www.ilga-europe.org/files/uploads/2024/06/open-letter-political-leaders-italy.pdf> accessed 26 May 2026.

¹⁵⁶ Commissioner for Human Rights of the Council of Europe (Dunja Mijatović), *Report Following Her Visit to Italy from 19 to 23 June 2023* CommDH(2023)37 (Council of Europe 2023) https://www.ecoi.net/en/file/local/2102428/CommHR%282023%2937_Report+on+Italy.pdf accessed 28 June 2026 para 158, 179.

¹⁵⁷ ILGA-Europe, 'Attacks on LGBTI Rights in Italy Are Human Rights Violations, Commissioner Reports' (ILGA-Europe, 18 December 2023) <https://www.ilga-europe.org/blog/attacks-on-lgbti-rights-in-italy-are-human-rights-violations-commissioner-reports/> accessed 26 May 2026.

through the national recognition of same-sex civil unions and the creation of a National LGBT+ Strategy. On the other hand, it also recommended that Italy implement measures in schools to promote mutual tolerance and respect regardless of sexual orientation or gender identity, providing pupils and students with the information, protection, and support they need; and that the authorities broaden the powers of Italy's main equality body, the Ufficio Nazionale Antidiscriminazioni Razziali [National Office Against Racial Discrimination, UNAR] so that the relevant legal provisions clearly cover discrimination based, *inter alia*, on sexual orientation and gender identity.¹⁵⁸ The subsequent sixth monitoring cycle report on Italy recommended that the country: introduce hate speech and hate crime legislation expressly covering color, language, sexual orientation, gender identity, and sex characteristics as grounds capable of constituting an aggravating circumstance; incorporating LGBTI equality into school curricula at every level; and ensuring that public figures take a firm public stance against LGBTI-phobic hate speech.¹⁵⁹ However, none of the recommendations has been implemented.

CONCLUSION

Italy has advanced only partially and largely under supranational compulsion, leaving sexual orientation and gender identity outside the protective scope of its hate crime framework. Therefore, homotransphobic violence remains, in the eyes of Italian law, an ordinary offence stripped of its discriminatory character, and it is rendered statistically obscure due to fragmented monitoring systems and chronic underreporting. Despite European monitoring bodies and domestic civil society alike reiterating Italy's need to act, reforms remain unprompted.

The full picture is, however, even more intricate than it seems. The structural conditions that produce homotransphobic violence and the institutional weaknesses that leave it unaddressed, in fact, are unevenly distributed across the Italian peninsula, bearing most heavily upon those regions already marked by historical and economic marginalization. The following chapter therefore narrows its focus to investigate anti-queer hate crimes in Sicily. Here, it examines the hitherto illustrated national failure, which, together with additional structural conditions, shapes the protection and the vulnerability of its queer inhabitants.

¹⁵⁸ ECRI, *Report on Italy (Fifth Monitoring Cycle)* CRI(2016)19 (Council of Europe 2016) <https://rm.coe.int/fifth-report-on-italy/16808b5837> accessed 26 May 2026 paras 100–118.

¹⁵⁹ ECRI, *Report on Italy (Sixth Monitoring Cycle)* CRI(2024)27 (Council of Europe 2024) <https://rm.coe.int/sixth-ecri-report-on-italy/1680b205f5> accessed 26 May 2026 paras 10, 26, 29, 48, 52.

3.

A REGIONAL PERSPECTIVE:
ANTI-QUEER HATE CRIMES IN SICILY

‘Ncaminu

*Forza e curaggiu, semu di cchianata
e lu carrucu è granni e ni struppia,
di petri e scaffì è china sta carrata e
lu ventu cuntrariu sbauttia.*

*Ma ormai ca trapassammu la caddata
è finutu lu chiù di la fatica, ora ni
resta l’urtima furzata pi sdirrignari di
sta vicaria.*

Mario Gori¹⁶⁰

INTRODUCTION

Why Sicily?

The Italian national score on LGBTQIA+ equality, and specifically hate crime protection, is mostly not provided in a regionally disaggregated way. This absence of regional

¹⁶⁰ Mario Gori was a poet and writer from Niscemi, Sicily. The Sicilian poem says: ‘Strength and courage, we are going uphill and the heavy load is huge and crippling us, this cart track is full of stones and potholes and the headwind is battering against us; but now that we have crossed the ridge, the hardest part of the labor is finished, now only the final effort remains for us to break free from this prison’ [author’s translation]. Mario Gori, *Poesie inedite in lingua e in dialetto* (Salvatore Buscemi and Antonio Vitellaro eds, Spazio Niscemi) 19–20; Rosa Emma Corvo, ‘Mario Gori Poeta Bilingue’ in Salvatore Buscemi and Antonio Vitellaro (eds), *Poesie inedite in lingua e in dialetto* (Spazio Niscemi) 64–65.

data reflects and reproduces the invisibility of queer people in such regions, thus hindering the possibility to identify the regions with the most violence and abuse, the type of legislative and administrative work needed, and the methods to use to make sure that implementation throughout the country is adapted to the regions, their lacks, and their points of strength. While the absence of anti-queer hate crimes provisions, fragmented monitoring and underreporting are national lacunae, the conditions that determine how severely such a lacuna is experienced vary by region. Sociocultural and historical factors, institutional incompetence, economic scarcity, a lack of civil society infrastructure, and others are instrumental in experiencing different types of hate crimes and being protected from them at different levels. State responsibility remains: if protection is deficient in a region, the State is failing the POs it has towards the region and for the State.¹⁶¹

The following analysis of Sicily demonstrates, by analyzing the roles of factors such as anti-Southern sentiments, the mafia, and economic insufficiency, that homotransphobia is experienced differently in the region, which present simultaneous compounded vulnerabilities. Additionally, the analysis of past and contemporary cases exhibits how homotransphobic patterns have materialized and continued in Sicily over time.

3.1 SICILY AS A CASE STUDY

The Council of Europe defines POs as placing ‘a duty on State authorities to take active steps in order to safeguard Convention rights’¹⁶²; for this safeguard to be effective, such active steps need to be tailored to the population's needs, which vary across a wide range of factors. Intersecting identities may produce compounded and qualitatively distinct forms of marginalization, thereby increasing the need for specific and victim-centered protection.¹⁶³ If the queer community is marginalized, a Sicilian queer person is marginalized twice. The region, in fact, lacks significantly in areas such as the economic sphere due to poor national choices, thus hindering the region’s overall prosperity and the personal development of its citizens. Historical State negligence towards the South and economic insufficiency are compounded by social, cultural, legal, and political factors that have deprioritized the law and rules, thus deteriorating the trust in institutions, the interest or courage to report a crime, the credibility of the authorities, and the credibility of the law for the authorities, resulting in an

¹⁶¹ *Assanidzé v Georgia* App no 71503/01 (ECtHR [GC], 8 April 2004).

¹⁶² Council of Europe, 'Definitions' (*ECHR Toolkit*, Council of Europe) <https://www.coe.int/en/web/echr-toolkit/definitions> accessed 31 May 2026.

¹⁶³ Crenshaw (n 65) 149.

overall lack of progress. For the reasons above, Aristotle's maxim of equality serves as the means to achieve substantive equality under an intersectional perspective: 'things that are alike should be treated alike', which implies that 'things' that are not alike should be treated unequally.¹⁶⁴ As a result, between two equally valid citizens who, however, can enjoy their rights and freedoms differently due to different amounts and types of obstacles, such as racism, homotransphobia, misogyny, ableism, classism and others, the less privileged one should receive a treatment that allows them to enjoy the rights and freedoms the same way as the more privileged one. It can therefore be assumed that the State has an enhanced responsibility to protect queer Sicilians, who belong to a social minority, are geographically more isolated, experience lower economic advancement, have long been subjected to the illicit activities of organized crime, and are often marginalized by non-Southerners, from hate crimes.

3.1.1 'ANTIMERIDIONALISMO' AND THE 'OTHERING' OF THE SOUTH

Antimeridionalismo refers to the systematic political, economic, and cultural othering of Southern Italy by Northern Italian institutions, political actors, and public discourse.¹⁶⁵ The consequences of this historically documented and politically instrumentalized phenomenon are measurable in the fabric of Sicilian society, and its relationship to the inadequate protection of queer Sicilians is direct and traceable.

The 1926 essay 'Alcuni temi della questione meridionale' [Some Aspects of the Southern Question, that is the long-running political, economic, and intellectual debate about the underdevelopment of Southern Italy and the North-South divide] by the Italian marxist antonio Gramsci first theorized the structural relationship between Northern industrial capitalism and Southern agrarian underdevelopment. The way he presents it reminds of a form of internal colonialism: the Northern industrial and financial bourgeoisie used the apparatus of the unified Italian state to exploit the South as a source of cheap labor and agricultural surplus while systematically draining Southern surplus northwards, rather than leaving it on the spot and enabling the South's autonomous development.¹⁶⁶ Central to

¹⁶⁴ Aristotle, *Nicomachean Ethics* V.3, 1131a10–b15, in Jonathan Barnes (ed), *The Complete Works of Aristotle* (Princeton University Press 1984); *Politics* III.9, 1280a8–15; III.12, 1282b18–23.

¹⁶⁵ Antonio De Francesco, *La palla al piede: una storia del pregiudizio antimeridionale* (Feltrinelli 2012) 9–26.

¹⁶⁶ Antonio Gramsci, *La questione meridionale* (Franco De Felice and Valentino Parlato eds, Editori Riuniti 1966) consulted via the Liber Liber digital edition, *Alcuni temi della questione meridionale* 38, 47 (digital-edition pagination).

Gramsci's analysis is the concept of hegemony: the capacity of a ruling class to maintain its dominance not only through coercion but through the production and diffusion of ideological consent by the ruling class.¹⁶⁷ This operates through the spreading of stereotypes that depict Southerners as criminal, incapable, and inferior, which served to naturalize the South's subordination.¹⁶⁸ By presenting Southern backwardness as culturally inherent, the hegemonic ideology of the ruling classes rendered Italy's own responsibility for that backwardness invisible. Those at the bottom of the hegemonic order, that Gramsci calls 'subaltern' and that include Southerners, were economically exploited, politically excluded, and ideologically dominated.¹⁶⁹ Pandolfi provides a related line of thought, in which the devaluation of Southern Italian natural and geographical characteristics and culture serves as a mechanism of internal othering that legitimizes political and economic marginalization.¹⁷⁰

Among others, one consequence of this is the mass migration northbound. Although antimeridionalismo is less severe nowadays, the impediments Southerners who move to the North go through are no novelty for them. Among these, a received perception of not being able to perform complicated tasks and of not being suitable for non-manual jobs – especially in leading positions –, compromised opportunities to find housing, the normalization of antimeridionalistic derogatory slurs, such as *terrone* (probably deriving from *terra*, the Italian word for 'land', to indicate Sicilians as peasants or to identify them through connotations of backward agricultural life),¹⁷¹ and the association of Southern accents and dialects with lower education and lower professional competence.¹⁷² On top of this, citizens of the North of Italy, often times including politicians, have complained about the massive presence of Southerners in the North, citing strong differences in terms of culture and levels of civilization.¹⁷³ On the

¹⁶⁷ Thomas R Bates, 'Gramsci and the Theory of Hegemony' (1975) 36 *Journal of the History of Ideas* 351, 352–353.

¹⁶⁸ Gramsci, *La questione meridionale* (n 166) 39.

¹⁶⁹ Antonio Gramsci, *Quaderni del carcere*, vol 3 (Valentino Gerratana ed, Einaudi 1975) Quaderno 25 (XXIII), 2283–2289 (consulted via the Internet Archive digital copy).

¹⁷⁰ Mariella Pandolfi, 'Two Italies: Rhetorical Figures of Failed Nationhood' in Jane Schneider (ed), *Italy's 'Southern Question': Orientalism in One Country* (Berg 1998) 285–289.

¹⁷¹ Accademia della Crusca, 'Da dove arriva questo *terrone*?' (Accademia della Crusca) <https://accademiadellacrusca.it/it/consulenza/da-dove-arriva-questo-terrone/1333> accessed 31 May 2026; Lorella Viola, 'Polentone vs Terrone: A Discourse-Historical Analysis of Media Representation of Italian Internal Migration' in Lorella Viola and Andreas Musolff (eds), *Migration and Media: Discourses about Identities in Crisis* (John Benjamins 2019) 60–61.

¹⁷² Martina Boi, 'Language Attitudes in Italy: Regional Accents and Popular Representations' (*BILD-LIDA*, Fall 2022) <https://bild-lida.ca/educationalsociolinguistics/fall-2022/language-attitudes-in-italy-regional-accents-and-popular-representations/> accessed 3 July 2026.

¹⁷³ Jacopo Barbati, 'There is Always Someone More Northern than Us' (openDemocracy, 5 March 2014) <https://www.opendemocracy.net/en/there-is-always-someone-more-northern-than-us/> accessed 3 July 2026; Paola Villano and Stefano Passini, 'Competent in the North, Passionate in the South: Stereotypes and Prejudices between Northern and Southern Italy' (2018) *Psicologia sociale* 93.

other hand, many Sicilians feel forced to move away from Sicily due to the unsatisfactory conditions that hinder growth, but many wish they would not have to leave their island, also because of the treatment they may encounter.¹⁷⁴

These structural conditions intersect with other axes of marginalization, the queer Sicilian sitting precisely at such an intersection. Antimeridionalismo and homotransphobia are not parallel hardships but overlapping structures that close off the very avenues of escape each might otherwise offer, and this overlap bears directly on exposure to homotransphobic hate crimes. A queer Sicilian who migrates to the North may still face discrimination as queer and as a Southerner. A queer Sicilian who remains in Sicily, instead, inhabits an institutional environment that is structurally depleted by the same political choices that produce antimeridionalistic attitudes in the North. The queer Sicilian is, in this sense, vulnerable to hate motivated violence wherever they are, and the inadequacy of their protection is the product of identifiable past and present structural conditions, of which the development of organized crime in 1800s Sicily is a direct consequence.

3.1.2 MAFIA AND ‘OMERTÀ’

Sicily's transition out of feudalism in 1812 had already made banditry a serious problem across much of rural Sicily during the nineteenth century, and rising food prices, the loss of public and church lands, and the loss of feudal common rights pushed many desperate peasants into becoming bandits. With no police to call upon, local elites in countryside towns recruited young men to hunt down thieves and negotiate the return of stolen property in exchange for a pardon for the thieves and a fee from the victims: the proto-mafia was taking shape.¹⁷⁵ The unification of Italy in 1861 meant the annexation of Sicily, but the overthrow of the Bourbon monarchy created a legal vacuum in which the mafia could flourish. The annexation was, in fact, followed by a distance from the central government and its failure to enforce the rule of law in the area, consequently confirming that Italy's annexation of the island was a conquest rather than a liberation, thus confirming the earlier claim of internal

¹⁷⁴ Joshua Nicolosi, 'When Leaving Is an Act of Love: Sicilian Emigration between Memory and Redemption' (*Sicilian Post*, 11 September 2019) <https://www.sicilianpost.it/en/when-leaving-is-an-act-of-love-sicilian-emigration-between-memory-and-redemption/> accessed 3 July 2026.

¹⁷⁵ Arcangelo Dimico, Alessia Isopi and Ola Olsson, 'Origins of the Sicilian Mafia: The Market for Lemons' (2017) *The Journal of Economic History* 5, 18 https://pureadmin.qub.ac.uk/ws/files/128795793/mafia_complete.pdf accessed 3 July 2026; Matteo Ruzzante and Cristoforo Pizzimenti, 'Brigandage and the Political Legacy of Monarchical Legitimacy in Southern Italy' (2025) 235 *Journal of Economic Behavior and Organization* 107034, 4–5.

colonization.¹⁷⁶ Loyalty to the old order embodied by the Bourbon king and the Church, the abolition of common lands, the extension of conscription, and the perception that the new Italian state's reforms served the local bourgeoisie rather than the lower classes gave rise to the *Grande Brigantaggio* [Great Brigandage], a widespread popular revolt which the Italian army suppressed through a prolonged and brutal military campaign between 1861 and 1865.¹⁷⁷ What was uniquely Italian was the country's inability and arguable unwillingness to impose itself against these acts of violence. As a matter of fact, a country-mafia collaboration began in the 1880s to suppress the peasants' demands for justice and support, and through this alliance the mafia would tame the population and guarantee electoral majorities in exchange for access to the spoils of public office and enhanced protection from prosecution.¹⁷⁸

Since its birth, *Cosa Nostra* ['Our Thing', the name of the Sicilian mafia] has embedded itself in Sicilian reality, penetrating the economy, the professions, local government, public procurement, and national politics.¹⁷⁹ The first, most significant achievement against the Mafia in republican Italy came from Sicily itself, through Magistrates Giovanni Falcone and Paolo Borsellino, whose major work on the Maxi Trial resulted in 344 sentences.¹⁸⁰ Nowadays, Italy's efforts against the Mafia remain partial and distracted. Organized crime continues to exist and operate nationwide, and while the State seems to know about it, it often ignores it. The bridge over the Strait of Messina project is proof: Italy's own *Direzione Investigativa Antimafia* (the Anti-Mafia Investigation Directorate) has repeatedly warned that the plan is the object of sustained interest from both Cosa Nostra and the *'Ndrangheta* (the Calabrian Mafia), who are anticipated to coordinate in dividing its projected profits.¹⁸¹ The point is not that the project is itself criminal, but that the relationship between national political power, the channeling of public resources into the South, and organized criminal interest remains a live structural feature of the Italian State,

¹⁷⁶ *ibid.*

¹⁷⁷ Giampaolo Lecce, Laura Ogliari and Tommaso Orlando, 'State Formation, Social Unrest and Cultural Distance' (2022) 27(3) *Journal of Economic Growth* 453, 458.

¹⁷⁸ Paolo Buonanno, Giovanni Prarolo and Paolo Vanin, 'Organized Crime and Electoral Outcomes: Evidence from Sicily at the Turn of the XXI Century' (2016) 41 *European Journal of Political Economy* 61, 62–63.

¹⁷⁹ Diego Forestieri, 'Le rappresentazioni dell'infiltrazione mafiosa, dallo stupore alla disaffezione dalla politica' (2016) 28 *Rivista di Studi Politici* 43.

¹⁸⁰ Alexander Stille, *Excellent Cadavers: The Mafia and the Death of the First Italian Republic* (Jonathan Cape 1995) 3–13, 418.

¹⁸¹ Direzione Investigativa Antimafia, *Report on the Activities Carried Out and the Results Achieved by the Direzione Investigativa Antimafia in the First Half of 2023* (DIA 2024) 30; Direzione Investigativa Antimafia, *Report on the Activities Carried Out and the Results Achieved by the Direzione Investigativa Antimafia in the First and Second Half of 2024* (DIA 2025) 12.

and that the government has advanced the project notwithstanding the absence of the legality safeguards that anti-mafia authorities have demanded.

This continued country–mafia collaboration provokes in Sicilians a sense of abandonment and distrust, as confirmed by some citizens of the town of Niscemi after the landslide that wiped out part of it in January 2026. A few days after the landslide, regional and national politicians and civil protection officials visited the town, being met with praise but also bitterness. When interviewed, a local lady referred to the national government and the Region, asserting that ‘for 30 years, politicians have completely ignored us, and now they're here reaping praise for who knows what. [...] It's a show of criminals. [...] There are criminals of all kinds, people convicted of mafia, people who just show off [...] and we're just standing here watching’ [author’s translation].¹⁸² Another local citizen whose household was entirely annihilated called on politicians to show support and on the Region and the national government to not abandon the town and its citizens.¹⁸³

As tightly woven in as it is, the total eradication of the mafia will have to be followed by the eradication and reshaping of the institutions that were built on mafia standards and all the social attitudes that are still connected to the Sicilian society, especially among men. In fact, the Mafia maintains its influence over community conduct also through its normative social framework of masculinity and honor.¹⁸⁴ Besides, the Mafia is a male-only group of criminals, opposed to any gender defiance that would be a fundamental threat to the order the group seeks to maintain.¹⁸⁵ Therefore, simply being openly queer in Sicily is already an act of defiance, individual control, and democratization. A social environment in which masculine honor is the dominant normative framework which can be enforced through lethal violence is one in which queer identity is exposed to heightened risk of violence and social sanction. At the individual level, a queer victim of hate-motivated violence in Sicily faces the same deterrents to reporting that queer victims face throughout Italy, such as fear of secondary victimization, distrust of institutional response, and absence of SOGIE-specific legal

¹⁸² Local Team, 'Niscemi, lo sfogo di una donna: "In 30 anni se ne sono fregati tutti"' (*Local Team*, 27 January 2026) <https://www.localteam.it/video/niscemi-lo-sfogo-di-una-donna-in-30-anni-se-ne-sono-fregati-tutti-1769507835256> accessed 1 June 2026.

¹⁸³ Local Team, 'Niscemi, abitante che ha perso casa si commuove: "Non lasciateci soli"' (*Local Team*, 27 January 2026) <https://www.localteam.it/video/niscemi-abitante-che-ha-perso-casa-si-commuove-non-lasciateci-soli-1769509227488> accessed 1 June 2026.

¹⁸⁴ Giovanni A Travaglino and Maddalena Marini, 'The Implicit Association between Masculinity and Criminal Organizations' (2025) 15 *Scientific Reports* 19866.

¹⁸⁵ Valeria Pizzini-Gambetta, 'Gender Norms in the Sicilian Mafia, 1945–86' in Margaret L Arnot and Cornelia Osborne (eds), *Gender and Crime in Modern Europe* (UCL Press 1999) 257–263.

protection;¹⁸⁶ to this, mafia-attributable *omertà* [the code of silence] hides and normalizes hate crimes by enhancing the already mentioned phenomenon of underreporting. The code of silence treats cooperation with state authorities as a form of dishonor or betrayal, and enforces it through community sanctions and/or violence.¹⁸⁷ Underreporting and its propellers then reduce the amount of data available in terms of queer hate crimes, thus portraying anti-queer violence as a much less widespread problem. From this, legislative reform, including SOGIESC protections, does not appear urgent, which feeds into vulnerability and underreporting again.

Sicilians have demonstrated to be able to take matters in their own hands, showcasing abilities and an interest in living with dignity and autonomy that the central government failed to support. This all, the chronic economic underinvestment, and the partial measures adopted to make the area advance, however, have fed into queer Sicilians' vulnerability to hate crimes and violence.

3.1.3 ECONOMIC INSUFFICIENCY

‘Justice today requires both redistribution and recognition’, and where economic disadvantage and cultural disrespect intertwine, the result is ‘a vicious circle of cultural and economic subordination’.¹⁸⁸ The North-South economic gap at the time of unification was around 10-20%, with the South at the lower end.¹⁸⁹ In the first 90 years of unification, up until WWII and the creation of the Republic of Italy, the gap widened significantly, with the North accelerating industrialization and the South suffering from North-favoring choices in national economic policy.¹⁹⁰ The war further worsened the situation, reducing the South's GDP per capita to around 52.7% of the North's in 1951.¹⁹¹ The gap decreased by 10% post-war through investments such as the Istituto per la Ricostruzione Industriale [IRI, the Institute for Industrial Reconstruction] and the Cassa per il Mezzogiorno [the ‘Fund for the

¹⁸⁶ Demurtas, Busi, Daddi (n 153) 69; ILGA-Europe and others, 'Hate and Violence against LGBTI People in Italy' (n 155) 2.

¹⁸⁷ Raffaella Gallo, *Relazioni sociali e crimine organizzato: Il caso di una rete 'ndranghetista* (FrancoAngeli 2022) 19, 136, 150.

¹⁸⁸ Nancy Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a "Post-Socialist" Age' (1995) 212 *New Left Review* 68, 70, 72.

¹⁸⁹ Amedeo Lepore, 'Il divario Nord-Sud dalle origini a oggi: Evoluzione storica e profili economici' in *Elementi di diritto pubblico dell'economia* (CEDAM 2012) 347, 348.

¹⁹⁰ *ibid.*, 353–360.

¹⁹¹ Amedeo Lepore, 'L'evoluzione del divario tra il Nord e il Sud dal dopoguerra a oggi' (2020) XII (23) *Estudios Históricos* 1, 10 <https://estudioshistoricos.org/23/eh2308a.pdf> accessed 8 June 2026.

South', the state development fund for Southern Italy established in 1950],¹⁹² but it faltered in the 1970s and reopened.¹⁹³ Accordingly, this suggests that the given support did not aim to resolve structural economic insufficiencies, but rather provided temporary economic relief until the resources ran out. Nowadays, the gap remains substantial. According to ISTAT, in 2024 Sicily's GDP per capita stood at €23,300, the second-lowest among all Italian regions, compared with €46,100 in the north-west and €43,600 in the north-east.¹⁹⁴ The European Union has provided support through the National Recovery and Resilience Plan, with 40% of its budget allocated to the South, thus averting the risk of stagnation and ushering in a recovery phase driven by construction, services, and manufacturing, among other positive outcomes.¹⁹⁵ This contemporary re-enactment of the Cassa per il Mezzogiorno thus suggests that Sicily is responsive to investments and that the economic gap is politically remediable. Yet, now that most of the funding has terminated since 2026,¹⁹⁶ the gap is expected to widen again.¹⁹⁷ What is meant through this explanation is not that the underdevelopment of the South is merely attributable to the Italian government's political choices in relation to the South. Battisti and others point out, for example, how the *latifundia* system (the system of large, absentee-owned estates worked through extensive, low-investment agriculture), already before Italy's unification and persisting beyond it, entrenched poverty and weak institutional development across the Sicilian interior, leaving living standards there persistently below those of other Italian regions.¹⁹⁸ Notwithstanding this, despite Italy having been unified for around two hundred years and having been a republic for almost one hundred, the North-South gap in health, education and training, economic well-being, and quality of services, among others, persists to this day.¹⁹⁹ This suggests that, whether efforts have been made or not, they have been insufficient in covering the gap, maintaining a divide. Besides, it is worth mentioning that these lacking measures aided the flourishing of organized crime,

¹⁹² Emanuele Felice and Amedeo Lepore, 'State Intervention and Economic Growth in Southern Italy: The Rise and Fall of the "Cassa per il Mezzogiorno" (1950–1986)' (MPRA Paper No 69466, 2016) 4–5, 27 <https://mpra.ub.uni-muenchen.de/69466/> accessed 19 June 2026.

¹⁹³ Amedeo Lepore, 'L'evoluzione del divario tra il Nord e il Sud dal dopoguerra a oggi' (n 191) 23–28.

¹⁹⁴ ISTAT, *Conti economici territoriali: Anni 2022–2024* (ISTAT, 22 December 2025) <https://www.istat.it/comunicato-stampa/conti-economici-territoriali-2022-2024/> accessed 10 June 2026.

¹⁹⁵ SVIMEZ, *Rapporto SVIMEZ 2025: L'economia e la società del Mezzogiorno* (SVIMEZ 2025).

¹⁹⁶ European Commission, 'NextGenerationEU – The Road to 2026' (Communication) COM (2025) 310 final.

¹⁹⁷ SVIMEZ (n 195) 8.

¹⁹⁸ Michele Battisti, Giovanni Bernardo, Andros Kourtellos and Andrea Mario Lavezzi, 'Unearthing the Nexus: Latifundia, Earthquakes, and the Emergence of the Sicilian Mafia' (2025) 26 *Economics of Governance* 57, 61 and 65.

¹⁹⁹ Istat, *Equitable and Sustainable Well-being in Italy: Executive Summary* (Istat 2025) 2.

which was devastating from an economic standpoint, ranging from the diversion of public funds to reduced foreign direct investment.

Economic marginalization and queer vulnerability to hate crimes intersect in several ways. Economic prosperity would foster the possibility of a Sicilian queer person in economic distress to leave a hostile family, to live autonomously, to move to a more welcoming environment, to access legal redress, and to absorb the costs of reporting a crime. In a region of mass youth unemployment and economic dependency, queer Sicilians are disproportionately deprived of such independence. The intersection of youth, financial dependence on the family, and the possibility of the family's rejection of the young person's SOGIE place the person themselves at a heightened risk of exposure, combined with a lower capacity to respond. Queer Sicilians are among the around 163.000 Sicilians who have left the island between 2011 and 2024²⁰⁰, raised in the South and then transplanted to the North due to greater opportunities.²⁰¹ Not only does this have devastating economic effects on the island, which has lost around forty-four billion Euros in human capital from this,²⁰² but the rest of the community that remains on the island might be affected by this loss, because if the queer Sicilians that have taken part in the exodus had actually stayed on the island, their advocacy and collective organization might have been used for the common good. Additionally, lower economic stability hinders the proliferation of civil society, the work of which compensates, to a certain extent, for institutional shortcomings. Associations, victim support organizations, legal aid networks, and others are pivotal to queer protection, and poverty is among the crucial factors that contribute to lower associationism.²⁰³ Queer Sicilians could, in light of the economic status above depicted, be represented as what Fraser calls a 'bivalent collectivity', where maldistribution and misrecognition are primary and co-original, and neither redistributive remedies only nor recognition remedies alone will be sufficient, but rather both together are necessary for substantial queer progress to occur.²⁰⁴ Four decades ago, maldistribution and misrecognition converged in a brutal form in Sicily through the deaths of two young men from Giarre.

²⁰⁰ Consiglio Nazionale dell'Economia e del Lavoro (CNEL), 'Rapporto CNEL "L'attrattività dell'Italia per i giovani dei Paesi avanzati": le principali evidenze' (CNEL, 4 December 2025) <https://www.cnel.it/Comunicazione-e-Stampa/Notizie/ArtMID/1174/ArticleID/6029/RAPPORTO-CNEL-L'ATTRATTIVITÀ-DELL'ITALIA-PER-I-GIOVANI-DEI-PAESI-AVANZATI-LE-PRINCIPALI-EVIDENZE> accessed 14 June 2026.

²⁰¹ Laura Rizzi, Luca Grassetto and Massimo Attanasio, 'Moving from North to North: How Are the Students' University Flows?' (2021) 77 *Genus* 8, 4.

²⁰² CNEL, 'L'attrattività dell'Italia per i giovani' (n 46).

²⁰³ Jethro Pettit, 'Why Citizens Don't Engage – Power, Poverty and Civic Habitus' (2016) 47(5) *IDS Bulletin* 89, 92.

²⁰⁴ Fraser, 'From Redistribution to Recognition?' (n 188) 78.

3.2 ANTI-QUEER HATE CRIMES IN ARCHAIC SICILY: THE CASE OF GIORGIO AND ANTONIO

In the 1980s, if talking about ‘the homosexuals’ was a taboo topic, having a queer family member would be an utter dishonor in archaic Sicily, as Cavallaro calls the region at the time.²⁰⁵ The case of Giorgio Agatino Giammona (25) and Antonio ‘Toni’ Galatola (15) in Giarre, Sicily, turned the homosexual situation upside down not only in Sicily but in the whole country. Despite being harassed and called a *puppu 'ccô bullu* [‘homosexual with the stamp’ literally, or ‘certified fag**t’], Giorgio was openly gay, and after meeting Antonio the two lived openly as a couple. Within the couple, Giorgio was seen as the predator and Antonio as the prey. In fact, Antonio, at his young age, was seen as having had his innocence *traviata* [spoiled] by the older and ‘licensed homosexual’.²⁰⁶ In town, they were known as *I ziti* [Sicilian for ‘the boyfriends’], a theatrically derogatory appellative as, at the time, two men together could only be pictured for entertainment, discrimination, or both. After disappearing, the two were found dead in the outskirts of Giarre. The town had initially thought that Giorgio and Antonio had eloped through the *fuitina*,²⁰⁷ until they were found. They had been shot, and a card was found in Giorgio’s pocket saying ‘*Io e Tony abbiamo raggiunto la pace e la felicità, cara mamma perdonami*’ [‘Tony and I have found peace and happiness, dear mom forgive me’]²⁰⁸. Investigations started immediately, and the family was involved too. The case was initially framed as a suicide or a murder-suicide, but the finding of a weapon close to the bodies suggested a murder. Soon after, Francesco Messina, Antonio’s thirteen-year-old nephew, confessed to having killed the two because they forced him to, threatening that they would otherwise kill him. The authorities, then, hastily closed the case because Francesco was too young to be prosecuted. However, Francesco retracted

²⁰⁵ Mario Cateno Cavallaro, 1980. *I fatti di Giarre. Il delitto di due giovani gay* (self-published 2020) 21.

²⁰⁶ la Repubblica, 'Diventa un documentario "Il delitto di Giarre", la vera storia di un omicidio omofobico' (la Repubblica, 9 June 2023) https://www.repubblica.it/cultura/2023/06/09/news/diventa_un_documentario_il_delitto_di_giarre_la_vera_storia_di_un_omicidio_omofobico-401596546/ accessed 3 July 2026.

²⁰⁷ Fuitina refers to a practice of abduction and rape common in archaic Sicily. The practice consisted in abducting a woman and often raping her, following which she loses her honor. In order to regain it and not be a reason for familial shame, the woman had to marry her abductor. The couple could also consensually elope, e.g. if they wanted to be together, but could not due to the families’ refusal. This practice, occasionally executed to this day, is thought for cishet couples, and ascribing it to a gay couple in archaic Sicily had again a shade of mockery within it. Antonella Vitale, 'Fuitina: Love, Sex, and Rape in Modern Italy, 1945–Present' (PhD dissertation, City University of New York 2020) https://academicworks.cuny.edu/gc_etds/4841 accessed 4 June 2026.

²⁰⁸ Cavallaro, 1980. *I fatti di Giarre* (n 205) 10.

his words immediately after, saying that his confession came from another threat, from the authorities now, who said they would kill his grandfather should he not own up to the killing. Despite this retraction, the case was intentionally not reopened due to the authorities not deeming it necessary, and the perpetrator has not been found through criminal investigations to this day.²⁰⁹ As journalists came to cover the story, Giarre's omertà made the whole town not collaborate to make justice. The convenient judicial reconstruction, as well as 'the will of Giarre to immediately archive a murder that had shattered the city's respectability', made the case be shelved.²¹⁰ The story has recently regained fame through the book *Il delitto di Giarre. 1980: un «caso insoluto» e le battaglie del movimento LGBT+ in Italia* [The Giarre murder. 1980: an 'unsolved case' and the battles of the LGBT+ movement in Italy].²¹¹ In this book, author Francesco Lepore points out important details. He alleges, in fact, that the two boyfriends were killed through an honor killing, executed by a family member in virtue of restoring the family honor.²¹² Lepore also explains that, in 2020, the original graves of the couple were found in Giarre, after being unknown for 40 years, but they report different dates: October 25th for Antonio's and November 26th for Giorgio's. This, Lepore states, was purposefully done so as not to pass on the shameful and bloody story of two homosexual lovers.²¹³

Giorgio and Antonio's story was a catalyst for queer visibility, representation, and advocacy nationwide. Italian homosexual liberation had already found expression through groups such as *FUORI!*, the *Fronte Unitario Omosessuale Rivoluzionario Italiano* [Italian United Homosexual Revolutionary Front, while the acronym stands for 'Out!'], founded in Turin in 1971 and framing homosexuality as a matter of liberation.²¹⁴ On 6 November 1980, one week after the discovery of the bodies, Italian and Sicilian activists from *FUORI!*, organized the first public demonstration against homophobic violence ever held in Sicily, in Giarre itself. The demonstration culminated in a public debate titled *Omosessuali: orgoglio e pregiudizio* [Homosexuals: pride and prejudice], and from this mobilization, the first *FUORI!*

²⁰⁹ Cavallaro, 1980. *I fatti di Giarre* (n 205) 17; Radio Radicale, 'Delitto di Giarre: Intervista a Francesco Lepore' (*Radio Radicale*, 4 November 2020) <https://www.radioradicale.it/scheda/620395/delitto-di-giarre-intervista-a-francesco-lepore> accessed 10 June 2026, 16:30–17:00.

²¹⁰ Elena Tebano, 'Antonio e Giorgio che 40 anni fa fecero scoprire l'omofobia all'Italia' (*Corriere della Sera*, 23 October 2020) <https://www.corriere.it/speciale/sette/2020/delitto-di-giarre/> accessed 8 June 2026.

²¹¹ Francesco Lepore, *Il delitto di Giarre. 1980: un «caso insoluto» e le battaglie del movimento LGBT+ in Italia* (Rizzoli 2021).

²¹² Radio Radicale, (n 209) 04:10–05:25 and 16:10–16:31.

²¹³ *ibid* 07:05–09:17.

²¹⁴ Riccardo Bulgarelli, '«Chi parla per gli omosessuali?». Il ruolo del giornale «FUORI!» nel processo di community building del Fronte Unitario Omosessuale Rivoluzionario Italiano (1971-1973)' (2021) 47 *Diacronie* <https://journals.openedition.org/diacronie/16672> accessed 3 July 2026.

collective in eastern Sicily was formed. A month later, the first nucleus of modern-day Arcigay²¹⁵ was founded in Palermo. The initiative came from Don Marco Bisceglia, a Catholic priest suspended *a divinis* due to his homosexuality, and who had been collaborating with ARCI's Civil Rights Commission together with other militants. On 22 May 1981, Sicilian queer activists Massimo Milani, Gino Campanella, and six other volunteers formally established the association, calling it, initially, ARCI-Gay.²¹⁶ On the fortieth anniversary of Giorgio and Antonio's death, Massimo Milani and Gino Campanella stamped their love through a civil union in Giarre, in a way to render justice and truth to the two lovers who never had either, in life and in death.²¹⁷

The case of Antonio and Giorgio includes multiple characteristics that were pointed out at the beginning of the present chapter. For starters, Giorgio was seen as spoiling or deteriorating Antonio's integrity, thus fostering the idea that homosexuality is wicked, and homosexuals act in depraved manners with the intent to catch and manipulate weak prey. Their death/killing happened on the outskirts of the town, so as to conceal the act, presumably to both escape the criminal judiciary, but potentially also to spare the town of the connection with such homosexual death. Despite the mobilization of the family and the authorities, the town was silent, side-eyeing from afar. The town's omertà was compounded by the authorities' behavior, who allegedly coerced the suspect killer and minor Francesco Messina into confessing to the murder but could not sentence him, thus archiving the case. Despite having soon retracted his words, the case intentionally remained closed. The literature then alleges that the authorities' investigations were partial, flawed, and too rapid, as they wanted to close the case as soon as possible so that the town could move on and leave this case in the past.²¹⁸ While acts of remembrance and respect towards the couple have been put in place, such as the institutional remembrance of the case by the Municipality, the civil union of Milani and Campanella, the visibility and honor conferred to the case by the different Arcigay sections, the case being still cold and unresolved does not make justice to the forefathers of the queer Sicilian and Italian movement and their families. If investigations were to be reopened, eventually leading to the clarification of what occurred, by whom, and what convictions can and should occur, a message of seriousness, interest, and protection

²¹⁵ Nowadays, Arcigay is the main LGBTQIA+ association in Italy, the largest in terms of volunteers and activists throughout the whole country. Arcigay, 'Who We Are' (Arcigay) <https://www.arcigay.it/en/chi-siamo/> accessed 15 June 2026.

²¹⁶ Italy's largest non-profit social promotion organization, of which Arcigay is the queer section. Radio Radicale (n 209) 02:53–04:09; 11:40–15:17; Arci, 'Chi Siamo' (Arci) <https://www.arci.it/chi-siamo/> accessed 23 June 2026.

²¹⁷ Radio Radicale (n 209) 15:17–16:31.

²¹⁸ Cavallaro (n 205) 15–16, 21.

would be sent to queer Sicilians and Italians who are vulnerable to hate crimes. In turn, such a message might foster an enhanced trust in the institutions, encouraging reporting, providing more accurate data, and informing how present homotransphobia really is, thus feeding into the possible adoption of anti-queer hate crime protection provisions.

3.3 MODERN-DAY HATE CRIMES IN SICILY: COMPARISON WITH THE 1980s

1. Palermo, 2024

Six queer individuals were verbally and physically assaulted by around ten youths in the center of Palermo. As the victims were talking, the aggressors passed by and addressed homotransphobic slurs at them. The victims responded, saying that there is nothing wrong with being queer, to which the perpetrators approached the victims, asking who 'dared' to talk back. Four victims were then bloodily assaulted, while the other two managed to escape and look for help. The victims report that despite the area being crowded, no one helped them in any way. The perpetrators then threatened the victims to kill them if they dared report to the police, and then left to rob a shop. Cautionary measures have placed three of the four adult perpetrators on house arrest, while the fourth one is under compulsory residence order in Palermo and compulsory duty to report to the judicial police; three of the minors, instead, were placed in a juvenile residential community. The Judge for Preliminary Investigations described the event as a furious attack that undermines the rules of cohabitation in the same city. Arcigay Palermo and the Centro Antidiscriminazioni Protego denounced 'the umpteenth anti-queer aggression' and affirmed being in touch with the victims to offer support. There have been institutional responses, including from Mayor Roberto Lagalla and the President of the VI Council Committee: the former has affirmed that the local administration condemns homotransphobia and calls on institutions to combat social and cultural decay, which the latter also endorsed, while asserting that sociocultural decay often encourages homotransphobic and racist violence.²¹⁹

²¹⁹ 'Aggressione omofoba a Palermo, emesse sei misure cautelari' (*ilSicilia*, 28 February 2024) <https://ilsicilia.it/aggressione-omofoba-a-palermo-emesse-sei-misure-cautelari/> accessed 5 June 2026; Di Feo F, 'Palermo, aggressione omobitansfobica, anche da parte di minorenni: "Se denunciate vi ammazziamo"' (*Gay.it*, 22 January 2024) <https://www.gay.it/palermo-aggressione-omobitansfobica-anche-da-parte-di-minorenni-se-denunciate-vi-ammazziamo> accessed 5 June 2026; 'Palermo, il sindaco Lagalla condanna l'aggressione omofoba: «Le istituzioni si impegnino contro il degrado sociale ed educativo»' (*Giornale di Sicilia*, 22 January 2024) <https://palermo.gds.it/articoli/politica/2024/01/22/palermo-il-sindaco-lagalla-condanna-laggressione-omofoba-le>

2. Catania, 2025

(Figure 5) Between 10 and 11 March 2025, the rainbow shutters of Arcigay Pegaso Catania were defaced with fascist writings, including “*W il Duce*” (a praise to WWII Italian dictator Benito Mussolini) and “*Anno CIII era fascista*” (a calendar formulation starting from 1922, the year Benito Mussolini became Prime Minister, that would make 2025 the 103rd fascist year). Arcigay Pegaso Catania filed a complaint with the authorities and received support from national LGBTQIA+ networks and organizations. However, the institutional response was deemed delayed and insufficient, as no public condemnation was issued until June 2025, and the mayor and the municipal administration remained silent in the meantime. The case was also condemned as a vandalistic attack and not as a fascist and homotransphobic one, which was also condemned by Arcigay Pegaso Catania President, Vera Navarria. At the time of writing, no perpetrator(s) have been identified or charged. Political and institutional support or solidarity at the national level were not received.



Figure 5: The premises of Arcigay Pegaso Catania, vandalized with fascist graffiti²²⁰

-istituzioni-si-impegnino-contro-il-degrado-sociale-ed-educativo-3f4419a0-ac45-43dc-8746-fdf4685ae703/
accessed 5 June 2026.

²²⁰ Photograph provided by Daniele Russo, Vice President of Arcigay Pegaso Catania.

3. Catania, 2025

Three queer individuals were brutally assaulted by three other individuals in a restaurant due to the ‘conversations of homosexual nature’ of the former. The young attackers first demanded that the victims ‘stop talking about these disgusting things, we are eating’, in a way to say that queer-centered topics are nauseating. The subsequent physical attack was accompanied by verbal violence, such as the attackers’ intention to ‘shoot them in the head’ and to ‘grind them up’ [author’s translation]. A woman and a man successfully stopped the attack. Two of the perpetrators have been charged with private violence and aggravated assault, with aggravating circumstances including the participation of a minor (the third attacker), the use of weapons, and the purpose of homophobic discrimination. The precautionary measure imposed on the two suspects was an obligation to remain within the municipality of Catania and a night curfew, while the minor’s charges are not publicly available. The victims received support from Arcigay Pegaso Catania, which denounced the attack and placed itself at the disposal of the victims, expressing solidarity and committing to stand with them in their response to the violence.²²¹ Solidarity has also been expressed by other civil society actors, but no political figure, locally, regionally, or nationally, has acknowledged the event, except for Alessandro Zan.

The three cases present homotransphobic patterns that were characteristic of 1980s Sicily as well. As per the first case, the perpetrators’ behavior is rooted in mafia nostalgia: the threatening behavior in defiance with the victims who ‘dared’ respond back and not submit, the physical assault and the consequent threat of bodily annihilation if the authorities were to be alerted are also clear traits of a *mafiusu* or a *malandrinu*.²²² Civil society has been open to supporting concretely, and institutional response has been present through the conviction of the victims and a public denouncement of the act and homotransphobia in itself, although not

²²¹ Polizia di Stato, ‘Aggressione omofoba a Catania: due giovani indagati’ (Polizia di Stato, 6 August 2025) <https://www.poliziadistato.it/articolo/aggressione-omofoba-a-catania--due-giovani-indagati> accessed 1 June 2026; ‘Aggressione omofoba in un fast food di Catania ai danni di persone queer: tre feriti’ (CataniaToday, 28 April 2025) <https://www.cataniatoday.it/cronaca/aggressione-omofoba-queer-fast-food-catania.html> accessed 1 June 2026; ‘Aggressione omofoba a Catania: due giovani arrestati per violenza omofoba’ (Il Fatto Quotidiano, 6 August 2025) <https://www.ilfattoquotidiano.it/2025/08/06/aggressione-omofoba-catania-arresti-notizie/8086309/> accessed 1 June 2026.

²²² A word still used nowadays in Sicily that refers to a bandit or a gangster, or whoever acts like one. *Grande dizionario della lingua italiana*, vol 9 (UTET 2018) 506–507, entry ‘malandrino’ (sm) <https://www.gdli.it/sala-lettura/vol/9?seq=506> accessed 7 June 2026.

addressing the lacking anti-queer hate crime protection legislation nor identifying it as a problem on its own that needs its necessary care, but rather as a sociocultural problem. As per the second case, fascist nostalgia links to mafia as both embrace(d) strong masculinity and honor principles, which consider the queer community as defiant to these rules and essentially against both entities. Here again, the institutions did not classify the event as a homotransphobic attack or hate crime, but rather as vandalism. Also, the delayed and generalized institutional reaction clashed with the prompt response of queer civil society. Thirdly, another case of queer submission through cishet male domination, imposing that ‘conversations of homosexual nature’ are inappropriate and distasteful. In case of no compliance with the ordered submission, physical violence must follow, in this case with additional murderous threats, which contribute to perpetuating an atmosphere of unsafety. Additionally, the appropriateness of the precautionary measure inflicted on two of the attackers is debatable: while the police and judges deem it suitable, homotransphobic attacks require special diligence due to the message they send: that queerness is not welcome in public, and it will be repressed with violence if the queers rebel; a message that tells the queer community to keep hiding, to doubt their worth, and that incites other potential perpetrators to commit hateful acts. Despite the homotransphobic motive having been identified in this case, such special diligence can hardly be enforced as SOGI are not protected grounds in the Italian Criminal Code. For the aggravating factor not to decay, the authorities then have the choice to apply Art. 61 n. 1 of the Criminal Code, that aggravates a crime where the perpetrator acted in circumstances of *motivi abietti e futili* [abject and futile motives].²²³ This, however: is not as appropriate as a non-negotiable aggravating factor; depends on the Judge’s will;²²⁴ communicates to the victim that the homotransphobia they suffered is a vile and trivial motive. Lastly, the prompt investigation and the identification of the homotransphobic motive contrast with the lack of official statements of solidarity and condemnation by any institutional figure, with the exception of Zan.

Giorgio and Antonio’s case still resonates in nowadays’ homotransphobic cases, although both victims and society ‘dare’ to rebel more to such impositions. Queer visibility is more present in Sicily nowadays, although this does not mean that everyone feels safe, ready, or interested in being publicly open — the cases above, the lack of data due to

²²³ Codice penale (Regio Decreto 19 ottobre 1930, n 1398) art 61(1).

²²⁴ Paolo Caroli, 'La giurisprudenza penale italiana di fronte alle discriminazioni delle persone LGBTQIA+. Una ricognizione sistematica del diritto vivente' (*Sistema Penale*, 29 March 2023) 14 https://www.sistemapenale.it/pdf_contenuti/1679597049_caroli-discriminazione-lgbt-riv-trim.pdf accessed 10 June 2026.

underreporting, and Sicily's overall State-backed underdevelopment suggest quite the opposite. Broader still, homotransphobia is also more acknowledged at the institutional and political level than it was in the 1980s, but the intermittent official condemnations, the agglomeration of homotransphobic cases with general sociocultural insufficiency, and the unacknowledgement of the symbolic power of these crimes, decorated by a national government that does not recognize homotransphobic hate crimes, suggests that Italy and Sicily might not be doing enough for the protection of their queer citizens.

CONCLUSION

This chapter demonstrates that the Italian legal framework and overall queer-related situation encounters compounding structural insufficiencies in Sicily, namely economic deficiency and a legacy of organized crime, which contribute greatly to anti-meridionalistic sentiments; this all has largely been fostered by poor political choices from the central government. The case of Giorgio and Antonio anchored all of this historically, and its echo in the Palermo and Catania cases of 2024–2025 revealed similar patterns. While queer visibility and civil society response have increased, the structural and legislative vacuum in which queer Sicilians remain exposed has not improved, which may suggest a heightened responsibility to protect the South of Italy as a whole. These conclusions, however, have been reached largely through doctrine, historical analysis, and documented cases. Through the next chapter, this dissertation investigates whether these conclusions hold up through the lived experiences of a corpus of interviewees.

4.

INTERVIEWS WITH ITALIAN AND SICILIAN CIVIL SOCIETY

La democrazia muore sotto il rumore scrosciante degli applausi

Vera Navarria²²⁵

INTRODUCTION

What is the take of relevant national and regional stakeholders?

To obtain more direct insights into the phenomenon under investigation, this chapter presents the findings of a series of interviews conducted with relevant stakeholders. These interviews furnish primary, ground-level evidence and knowledge coming from direct work, to a higher or lower extent, with the queer community and queer victims. Additionally, they offer a means of testing the dissertation's central claims, corroborating, qualifying, or complicating the arguments advanced in the preceding chapters. The extended explanation of the interview methodology may be found in the 'Annexes' section.

²²⁵ 'Democracy dies under the thundering noise of applause' [author's translation]. Paraphrase of the original sentence from *Star Wars, Episode III – Revenge of the Sith*: 'So this is how liberty dies... with thunderous applause'. 'So This Is How Liberty Dies' (StarWars.com) <https://www.starwars.com/video/so-this-is-how-liberty-dies> accessed 2 July 2026, 00:31–00:36.

4.1 ITALY IS (STILL) HOMOTRANSPHOBIC, FROM NORTH TO SOUTH

While the country has progressed over time in terms of LGBTQIA+ visibility, protection, recognition, and understanding in comparison to the 1980s,²²⁶ the interviewees affirm that ‘Italy is not a country for queer people’.²²⁷ Respondents describe homotransphobia as woven into ordinary life, occurring not only in public spaces but also online platforms, the workplace, and the family, and it is intensified by the current government. The Gay Help Line registers an increase of intakes by 20% yearly, with at least one in two contacts reporting some sort of violence.²²⁸ This sharpened violence²²⁹ seems to be the result of a ‘more organized’ hatred, feeding on a general climate of hostility.²³⁰ The current democratic backsliding corroborates such a climate on an institutional level, says Cristalli in reference to dehumanizing statements by party leaders such as Roberto Vannacci, that aired on prime-time television.²³¹

Unsafety is enhanced under an intersectional lens and if the queer people in object are more visible and less passing.²³² Navarra identifies trans women as the least protected members of the community, facing the sharpest violence and near-total exclusion from the labour market,²³³ while all trans people are more intensely subject to discrimination in health screenings, sport, shelters, document procedures, and others.²³⁴ A trend is visible here: whoever tends to show femininity, although being born a male, tends to be more prone to discrimination. This concept finds fertile ground in scholarship: Serano explains that expressions of femininity from a person who identifies as a man or was born a male is more

²²⁶ Interview with Francesco Lepore, journalist, LGBTQIA+ activist, former Vatican official, and author (online, 24 June 2026).

²²⁷ Interview with Natascia Maesi, National President of Arcigay (online, 22 June 2026).

²²⁸ *ibid.*

²²⁹ Interview with Antonio Auriemma, National Coordinator of the Arcigay Youth Network (online, 17 June 2026); Interview with Vera Navarra, President of Arcigay Pegaso Catania (online, 17 June 2026).

²³⁰ Maesi (n 227).

²³¹ Interview with Christian Leonardo Cristalli, National Coordinator for Trans Policies at Arcigay, founder of Gruppo Trans and coordinator of Casa Salani (online, 12 June 2026); Cristalli refers to Roberto Vannacci, President of the Italian far-right political party Futuro Nazionale. *Otto e mezzo*, 'Il Gen Vannacci e l'assalto alla destra' (La7, 10 June 2026) <https://www.la7.it/otto-e-mezzo/rivedila7/otto-e-mezzo-10-06-2026-648599> accessed 25 June 2026.

²³² When a transgender person is passing, they are read by the observer as cisgender. Similarly, a passing gay person appears heterosexual in the eyes of society on the basis of what heterosexuality is understood to appear like. Joel R Anderson and others, 'The Costs and Benefits of "Passing": A Systematic Review of the Qualitative Evidence on Passing for Trans Individuals and Communities' (2025) 91 *Sex Roles*, art 45, 2; Nicole Rousseau, 'Passing' in Anthony D Smith, Xiaoshuo Hou, John Stone, Rutledge Dennis and Polly Rizova (eds), *The Wiley Blackwell Encyclopedia of Race, Ethnicity, and Nationalism* (Wiley Blackwell 2015) 1.

²³³ Navarra (n 229).

²³⁴ Cristalli (n 231).

disturbing than the opposite due to factors including but not limited to the widespread notion of ‘femaleness’ as weak and ‘maleness’ as strong. Transgender men or masculine women, on the other hand, are not ridiculed because doing so would mean questioning masculinity. This applies to whoever is under the trans umbrella, and is not limited to binary expressions.²³⁵ A transgender man or a masculine woman is, therefore, ‘upgrading’ themselves, while a transgender woman or an effeminate man is ‘downgrading’ themselves; whoever shows femininity is displaying their inferiority. as it is the case for many trans women, particularly if pre-op,²³⁶ or for effeminate gay men. More proof of this is the fact that lesbian attacks seem to occur with lower frequency, hence the absence of a lesbian-specific slur; while this might be a sign of more safety for the lesbian community, Navarra also mentions that lesbism is almost totally obscured.²³⁷ On the heightened anti-trans violence, Parigiani adds that their bodies are ‘recognizable,’ so where for other minorities a hostile stare suffices, for trans people the same logic ‘materializes in acts of violence’, and the welfare a citizen receives, she stresses, itself changes depending on whether one is cis or trans.²³⁸ Attitudes to sexual orientation have softened, but gender identity is now ‘the terrain of conflict’, with a ‘pathological obsession’ driving attempts to erase trans and non-binary people from law altogether.²³⁹

The interviewees have rejected the hypothesis that the South is naturally more homotransphobic than the Centre or the North. On the contrary, the interviews seem to have shown a slightly more enhanced openness in the South than in the North: Accolla notices that, in terms of raw incidents, Catania is slightly better than Rome or Milan,²⁴⁰ while Biondi recognizes Siracusa as not very homotransphobic.²⁴¹ As the island was under the rule of many different populations, Grassadonia states that Sicilians present, instead, a ‘cultural substratum of welcome’ towards diversity.²⁴² Maesi connects to Gramsci by identifying the stereotype of

²³⁵ Julia Serano, *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity* (Seal Press 2007) 8, 9, 15, 95.

²³⁶ Indicating a trans person that wants to or plans to undergo GAS but has not yet received it. The Trans Language Primer, ‘Pre-op / Post-op / Non-op’ (*The Trans Language Primer*) <https://translanguageprimer.com/pre-post-non-op/> accessed 26 June 2026.

²³⁷ Navarra (n 229).

²³⁸ Interview with Roberta Parigiani, civil lawyer and author, President of the Movimento Identità Trans (online, 24 June 2026).

²³⁹ Maesi (n 227).

²⁴⁰ Interview with Dario Accolla, writer, lecturer and LGBTQIA+ activist, co-founder of Gaypost.it and Open Catania (online, 16 June 2026).

²⁴¹ Interview with Tiziana Biondi, co-founder and Vice President of Stonewall GLBT, Siracusa (online, 17 June 2026).

²⁴² Interview with Marilena Grassadonia, civil rights activist and politician, former National President of Famiglie Arcobaleno; Head of Rights and Freedoms, Sinistra Italiana, and coordinator of the LGBT+ Rights Office of Roma Capitale (online, 25 June 2026).

the South being more homotransphobic to internal colonialism, stating that Palermo is 'one of the "queerest" and most welcoming cities'.²⁴³ Still, like Rinaldi, Lepore also takes an anti-essentialist approach, rejecting the idea that Sicilians are naturally more prone to be hostile towards the queer community, which would clash with, among others, the birth of Arcigay happening in Palermo in 1980, the first national homosexual pride party in Villa Giulia happening in Palermo in 1981, and on a contemporary note, the establishment of the Paesello Pride, happening for the first time between the Sicilian towns of Cammarata and San Giovanni Gemini on 8 August 2026.²⁴⁴ The interviewees remain, however, aware of the fact that the situation is still not rosy: Accolla cautions that Catania's slightly better performance does not equal a good situation overall,²⁴⁵ and Navarria goes all the way to debunking previous Presidents' statements regarding Catania as a welcoming space for queer people.²⁴⁶

The divide is, instead, more evident between urban centres and towns; prejudice flourishes 'as much in the periphery of Milan as in a remote Sicilian village',²⁴⁷ while larger cities like Catania and Palermo have 'metabolized' queer presence²⁴⁸. Grassadonia identifies that smaller towns in the South present a high degree of fear of judgment for being connected to the queer community anyhow, which often results in moving to bigger centres, not rarely in the North, where 'blending in' and escaping the stigma is easier.²⁴⁹ Provided that homotransphobia seems to characterize the North and the South equally, some interviewees identify different modalities of expression: Auriemma and Chiara point out that the North and the South present 'different homophobias', the Northern one being more ideological and physically violent, the Southern one being more about stares, disinterest, and verbal assaults.

4.2 THE ROOT CAUSES

The interviewees accept that the South's economic underdevelopment and organized crime form part of the humus in which anti-queer prejudice takes root. Rinaldi warns against 'cultural essentialism', though he does not deny state responsibility: the State is a 'producer of

²⁴³ Maesi (n 227).

²⁴⁴ Interview with Cirus Rinaldi, Professor of Sociology, University of Palermo (online, 20 June 2026); Lepore (n 226).

²⁴⁵ Accolla (n 240).

²⁴⁶ Navarria (n 229).

²⁴⁷ Maesi (n 227).

²⁴⁸ Accolla (n 240).

²⁴⁹ Grassadonia (n 242).

violence' because its national and regional structural conditions and its heterocisnormativity render some subjects sacrificeable.²⁵⁰

On economic status, prejudice appears to occur both in privileged and unprivileged contexts alike, though a lower economic status certainly contributes to marginalization.²⁵¹ Siringo sustains, for example, that the economic prosperity of the Sicilian city of Ragusa and the greater success of AGEDO Ragusa are not coincidental but rather interconnected.²⁵² Grassadonia warns on the importance for the institutions to note and pay particular attention to contexts with underlying structural insufficiencies, especially when corroborated by the Italian State throughout the course of time. A person with structural economic deficiencies will be less prone to worry about civil rights, especially if that person does not belong to multiply marginalized communities. Grassadonia reminds, though, that such a hierarchical social-rights-first view, particularly when enacted by the institutions and political figures, but also by communities and associations, 'others' the queer community and places its needs on a lower scale of importance.²⁵³ Maesi finds, also, economic deprivation and homotransphobia to be 'closely connected, though not in a cause-and-effect sense'; her argument rather rests not on economic deprivation and organized crime as sole causes of homotransphobia, but rather as factors that aliment discrimination.

Economic insufficiency is also tightly connected with sociocultural phenomena. The topic of organized crime has been addressed throughout multiple interviews, and although the interviewees have affirmed that the idea that Sicily is more homotransphobic due to its past (and, although much less, presence) of organized crime is outright wrong, behavioral patterns that imitate the Mafia may be found. Chiara asserts that, in case of discrimination based on multiple grounds, and possibly aggravated by mafia-related attitudes, particular care must be allocated to the event.²⁵⁴ Navarria complements this by saying that mafia-related acts, such as threats, intimidation, the code of silence, all bleed into homotransphobic enforcement;²⁵⁵ Lepore warns, instead: violent, possessive, and masculinist behavior are typical of mafia but not its exclusive property, as similar behavior might be stemming from the wider patriarchal

²⁵⁰ Rinaldi (n 244).

²⁵¹ Interview with Alessandra Rossi, National Coordinator and Head of Gay Help Line (online, 19 June 2026).

²⁵² Interview with Donatella Siringo, LGBTQIA+ activist and National President of AGEDO (online, 21 June 2026).

²⁵³ Grassadonia (n 242).

²⁵⁴ Interview with Chiara, representative of the Centro Antidiscriminazioni Protego, Arcigay Palermo (online, 12 June 2026).

²⁵⁵ Navarria (n 229).

substrate.²⁵⁶ Maesi identifies the connection between the Mafia and mafia-style homotransphobic acts as a process of subjectivation of the latter: just like being the boss of the neighborhood or a gang leader makes the person leave a trace, being a homotransphobic attacker makes the person feel heroic.²⁵⁷

Rinaldi confirms: the victim has a performative value, and when a male aggressor attacks them, especially in a public space, for the victim's perceived or confirmed homosexuality, he is confirming his masculinity and his belonging to the heteronormative gender order.²⁵⁸ Rinaldi also adds that anti-queer violence is a 'hyperbolic way of doing normality', indicating that masculinity is not natural but must naturalize itself performatively by constructing enemies, so whatever is coded feminizing or 'polluting' must be controlled or eliminated.²⁵⁹ This 'toxic masculinity', how Maesi addresses it,²⁶⁰ easily catches poorly schooled and early-dropout minors, 'easy preys of criminal organizations', simultaneously perpetrators and victims of such system.²⁶¹ This connects to the economic and sociocultural points above. An important distinction to be made is that, confirmed singular exceptions aside, homotransphobic violent actors do not execute the aggression out of a raptus or pathologies, but rather a coordinated, dramaturgical performance.²⁶²

Maesi identifies further root causes of discrimination: state familism, Church interference, and institutionalized violence. On the point of familism, Maesi explains that this structural layer has connected governments of different political affiliations, which intend to protect what they refer to as 'traditional family' also by expressing preoccupation towards the current demographic decline – based on heterosexual reproduction and leaving queer families out.

As per the Catholic Church, its hegemonic power is enormous.²⁶³ An example that Cristalli brings is the Vatican's *Dignitas Infinita* Declaration that compares gender identity and gender ideology to mass destruction weapons. Religion also holds a significant power in many extremists group, where hostility concentrates.²⁶⁴ Maesi particularly regards as worrisome the interconnectedness between religion and the institutions: the Church and the democratic State still have not been separated, as the CEI [Conferenza Episcopale Italiana,

²⁵⁶ Lepore (n 226).

²⁵⁷ Maesi (n 227).

²⁵⁸ Rinaldi (n 244).

²⁵⁹ *ibid.*

²⁶⁰ Maesi (n 227).

²⁶¹ Navarria (n 229).

²⁶² Rinaldi (n 244).

²⁶³ Accolla (n 240).

²⁶⁴ Biondi (n 241).

Episcopal Conference of Italy] demonstrated when it heavily lobbied parliamentarians during the civil unions debate.²⁶⁵ Lepore notices, however, that Catholic and pro-life formations and acts, such as the 'reparations processions' against Pride Parades, have failed to take root in the South, connecting to the same reasoning that Grassadonia made on tolerance deriving from Sicily's history of being under different dominations.

On institutionalized violence, the aforementioned example of Roberto Vannacci's public sentences with no legal consequence produce a climate in which ordinary people feel 'legitimized' and 'justified' to repeat that homosexual people defy normality.²⁶⁶ Modern-day institutionalized violence is, as per Maesi's point of view, unprecedented: violence enacted by the government, political representatives, and religious leaders, with particular emphasis on those currently in power, read from below as a 'general sense of impunity', contribute to street-level violence.²⁶⁷ The critique is extended to UNAR: nominally Italy's equality body, it has historically been a government organ directly dependent on the Presidency of the Council, its director being ministerially appointed, so its choices 'felt the long hand' of whichever government was in power; Maesi and Rossi add that recent pressure has tried to narrow the very social purpose of the Centri Antidiscriminazione [Antidiscrimination Centres, CAD] to victim-intake only, excluding prevention and training from their remit.²⁶⁸ Maesi also identifies an Italian *modus operandi* distinct from that of Hungary under Orbán: rather than amending the Constitution outright, the government deploys bureaucratic obstacles and a 'dissuasion' strategy that leaves rights formally intact but practically unreachable. On this, the examples provided by the respondents refer to civil unions, which, as explained, differ from marriage on different levels, and Art. 61 of the Criminal Code. Respondents reject the validity of this Article: a person suffering from violence due to homotransphobic biases needs such biases to be explicitly stated, because 'I am not a trivial reason, I don't accept it'.²⁶⁹ Homocides,²⁷⁰ just like other bias-motivated attacks need to be called with their name, because such a name does not only tell us what happened, but why it happened.²⁷¹ And the resistance against the DDL Zan followed the same logic behind the

²⁶⁵ Maesi (n 227).

²⁶⁶ Cristalli (n 231); Interview with Gianmarco Capogna, Coordinator of the Scientific Committee of Possibile and Spokesperson for Possibile LGBTI+; Vice President of Arcigay Frosinone (online, 15 June 2026).

²⁶⁷ Maesi (n 227).

²⁶⁸ Maesi (n 227); Rossi (n 251).

²⁶⁹ Capogna (n 266).

²⁷⁰ Lepore (n 226).

²⁷¹ Maesi (n 227), citing Michela Murgia. Lara Crinò, 'Noi e i femminicidi: la battaglia di Murgia sul linguaggio' (*la Repubblica*, 15 December 2023) https://www.repubblica.it/cultura/2023/12/15/news/michela_murgia_saggio_femminicidio_in_edicola_con_repubblica-421671402/ accessed 25 June 2026.

acceptance of the law on civil unions rather than marriage equality and the removal of gender identity provisions: queer-positive laws need to be made more 'presentable', by removing proposals that are too inconvenient for some. This need for enhanced presentability inscribes a principle of discrimination.²⁷² On a largely institutional level, Maesi mentions the disproportionate effect of secondary victimization from the institutions, including victim-blaming, disbelief, and invasive procedures;²⁷³ where the police themselves are hostile or disbelieving, she adds, the harm is 'not even a failure to act, but the actual act of it'.²⁷⁴ Grassadonia notices, however, a small degree of awareness and self-interrogation happening within the police force on the topic. Institutional exclusions appear to be aggravated for trans people: Cristalli documents the already mentioned lack of oncological screening pathway, the exclusion from sport via genetic testing, and the lack of rape triage code for a male victim, which may suggest a medical preparedness limited to cisgender women and an insufficient readiness for queer people and, in this case, also cishet men.²⁷⁵ While Italy seems to produce harm more in an omissive way, active forms of violence also appear to take place to the detriment of the queer community. Such actions have become so interwoven with regular behavior that what can be configured as institutional micro-aggressions from universities and public bodies are harder to be perceived by queer people as actual aggressions, as many discriminatory behaviors, acts, and words have become normalized.²⁷⁶ Often these acts stem from ignorance. Cristalli attributes a large share of Italian hostility to a simple 'absence of the tools of basic knowledge',²⁷⁷ compounded by a country that has reckoned badly with its own history and current situation, citing high living costs, public healthcare plummeting, and the housing crisis, and that tends to distract the population with a topic that connects politicians from the left and from the right, that is the risks coming from more acceptance towards the queer community on the traditional family and the 'conversion of children into queers'.²⁷⁸

In sum, the overarching root of such hate crimes is located in a heterocisnormative 'normality' that codes departure from reproductive, monogamous heterosexuality, that is generally taken for granted,²⁷⁹ as defect, perversion or monstrosity.²⁸⁰ This will continue to

²⁷² Maesi (n 227).

²⁷³ Maesi (n 227).

²⁷⁴ Interview with Alina Tryfonidou, Assistant Professor in EU Law and Family Law, University of Cyprus (online, 13 May 2026).

²⁷⁵ Cristalli (n 231).

²⁷⁶ Chiara (n 254).

²⁷⁷ Capogna (n 266).

²⁷⁸ Cristalli (n 231).

²⁷⁹ Rinaldi (n 244).

²⁸⁰ Rossi (n 251).

prosper if supporting factors such as static gender roles and this continuous clash between good and evil being passed from father to son continue to abund.²⁸¹ Regional structural factors seem to secondarily facilitate discriminatory prosperity.

4.3 WHAT THE INSTITUTIONS SHOULD DO, NATIONALLY AND REGIONALLY

The interviewees agree on the statement that the state is not merely failing to prevent but actively obstructing queer equality and progress. The state's violence is omissive, 'and therefore worse', operating through 'indirect discrimination', namely through apparently neutral rules that engineer the conditions of exclusion and build a 'toxic climate by stealth' that incentivates anti-queer hostility.²⁸²

The interviewees demand, among others, a national law establishing the aggravating circumstance for homophobia, marriage equality, the recognition of rainbow families, the protection of trans self-determination and intersex bodily integrity. Laws that protect the Italian queer community from hate crimes and overall are as important and necessary as education is. In fact, criminal law deters, but it does not transform.²⁸³ Education should tackle affectivity, consent, sexuality and differences from primary school upward; education, however, should not be limited to the pupils, but it must, instead, also reach teachers, recruiters, police, social workers and health staff.²⁸⁴ The school should be secular and not wait for the change of what Tryfonidou would call 'hearts and minds',²⁸⁵ contrarily to what the DDL Valditara mandates, restricting the children's access to a learning that the interviewees regard as enriching, useful, pivotal due to potentially homophobic parents,²⁸⁶ besides, Lepore notes that students with any type of background show interest in learning more about these topics, but the State withholds this resource.²⁸⁷ Auriemma also points out that the economic investments in education are currently insufficient,²⁸⁸ and Maesi adds that ensuring a proper education is an indispensable structural intervention against a centuries-old patriarchal culture.²⁸⁹

²⁸¹ Maesi (n 227).

²⁸² *ibid.*

²⁸³ Biondi (n 241).

²⁸⁴ Auriemma (n 229); Rinaldi (n 244).

²⁸⁵ Tryfonidou, *Positive State Obligations under European Law* (n 4) 98.

²⁸⁶ Grassadonia (n 242).

²⁸⁷ Lepore (n 226).

²⁸⁸ Auriemma (n 229).

²⁸⁹ Maesi (n 227).

The institutional response should, furthermore, utilize an intersectional approach. Where the State contributed to the conditions of vulnerability, such as in the Southern case, it owes heightened attention to the marginalized citizens living there. Chiara and Grassadonia add that protection is concatenated with transport, housing, education, and health infrastructure: the State should therefore pay particular attention to the South not because the type of discrimination differs, but because the absence of other socio-economic supports aggravates it (Chiara's example: the first safe house being in Naples is far from Palermo, and it is useless for Sicilians without adequate transport).²⁹⁰ On the legislative design, opinions diverge, with some arguing for a uniform national law with locally tailored, properly financed measures (Navarria insists on funding, as she mentioned that Sicily's existing regional law against discrimination on SOGI grounds failed for lack of funds).²⁹¹ Maesi resists this, arguing instead on the extension of existing protections, notably the Mancino law, while agreeing on the intersectional calibration and the adequacy of funds delivered where structural disadvantage, especially if state-produced, is greatest.²⁹²

Lastly, Italy is called to be more proactive instead of constantly relying on other States' actions to copy from or on supranational obligations. Grassadonia ties the present moment to a longer pattern in which Italian politics has periodically 'forgotten' the community, with civil rights legislation arriving, on her account, only 'every thirty years'.²⁹³ A similar request of proactivity is suggested by Italian queer people's predominant reliance on civil society, as it offers services 'that are necessary, but not guaranteed by the State'.²⁹⁴

CONCLUSION

The interview findings both corroborate and amplify the study's results, namely the institutionalized violence experienced by queer Italians, and Sicilians in particular, across time and, foreseeably, for years to come; the heightened responsibility borne by the State in intersectionally marginalized territories; the absence of any essential or innate homotransphobic disposition; and the way in which State passivity and lack of proactivity may be configured as active violence. The findings will, in turn, support the final

²⁹⁰ Chiara (n 254); Grassadonia (n 242).

²⁹¹ Biondi (n 241); Navarria (n 229); Rossi (n 251); Chiara (n 254); Legge regionale (Sicilia) 20 marzo 2015, n 6 (Norme contro la discriminazione determinata dall'orientamento sessuale o dall'identità di genere; Istituzione del registro regionale delle unioni civili) (GU 3^a Serie Speciale – Regioni n 27, 11 July 2015).

²⁹² Maesi (n 227).

²⁹³ Grassadonia (n 242).

²⁹⁴ Navarria (n 229).

assessment of Italy's compliance with its POs on account of its treatment of its queer citizens and its heightened responsibility for multiply marginalized communities in the South.

5.

ASSESSING ITALY'S COMPLIANCE
WITH ITS POSITIVE OBLIGATIONS

*No pride for some of us
without liberation for all of us.*

Micah Bazant/Marsha P. Johnson²⁹⁵

INTRODUCTION

Is Italy failing its POs? And does the country have a heightened responsibility to protect queer Sicilians from violence due to additional structural deficiencies?

First, the chapter provides a link between the hitherto obtained findings and Italy's POs. The country's compliance will not be solely based on the presence or absence of an adequate legal framework, operational procedures, and effective investigations, but also on the overall environment that fosters the proliferation of anti-queer negativity and hate crimes.

²⁹⁵ The sentence is attributable to artist Micah Bazant through their piece of art they made in honor of the life and legacy of Marsha P. Johnson, one of the mothers of the trans and queer liberation movement. Over time, however, the sentence increasingly spread to be attributed to Johnson, which the author deems as having made the sentence much more meaningful to the trans and queer communities, thus supporting the attribution of the credits of the sentence to her. Micah Bazant, <https://www.micahbazant.com/> accessed 2 July 2026.

This chapter ends by explaining if and why Italy has a heightened duty to protect its queer citizens from hate crimes and homotransphobia in Sicily, thus calling on the State to refrain from violent passivity and to perform active protection instead.

5.1 ESTABLISHING A BREACH: ECHR ARTICLES AND METHODS

If the Court finds a single measure to be disproportionate in restricting rights, the State is automatically in breach of its negative obligations. Contrarily, a State failing to choose the best way to protect a person's rights does not immediately incur a breach of POs. The circumstances of the case determine both whether the duty arises and how demanding it is once engaged. The right to protection, for example, thus does not require any one specific act, since the State may in principle satisfy it through alternative means.²⁹⁶

Furthermore, the PO assessment does not follow a single uniform test across the Convention, but is most fully and consistently articulated in relation to Articles 2 and 3, where the obligations are most developed. POs under Article 3 comprise three distinct components: 'firstly, an obligation to put in place a legislative and regulatory framework of protection; secondly, in certain well-defined circumstances, an obligation to take operational measures to protect specific individuals against a risk of treatment contrary to that provision; and, thirdly, an obligation to carry out an effective investigation into arguable claims of infliction of such treatment.' The first two are classified as substantive obligations, and they investigate, respectively, whether the legal framework of the country is adequate and whether measures have been put in place to protect vulnerable individuals, while the third is procedural and it examines whether investigations happened efficiently and uncovered potential discriminatory motives.²⁹⁷ The same tripartite structure and operational duties are well established under Article 2, the operational limb deriving originally from the Grand Chamber's judgment in *Osman v United Kingdom*.²⁹⁸ The framework obligation operates at a systemic level, requiring effective criminal law provisions backed by law enforcement machinery to deter and punish offences against the person.²⁹⁹ The operational obligation is narrower and individuated: it is triggered only where the authorities knew or ought to have known of a real and immediate risk to an identified individual, and its breach is then assessed

²⁹⁶ Vladislava Stoyanova, *Positive Obligations under the European Convention on Human Rights: Within and Beyond Boundaries* (OUP 2023) 12–14.

²⁹⁷ *X and Others v Bulgaria* App no 22457/16 (ECtHR, 2 February 2021) para 178.

²⁹⁸ *Osman v United Kingdom* (n 93) para 115–116.

²⁹⁹ *ibid* para 115.

against a standard of reasonableness, the Court having rejected in *Osman v United Kingdom* any suggestion that liability requires gross negligence or wilful disregard.³⁰⁰ The procedural obligation requires that arguable claims of ill-treatment be subject to an effective official investigation seeking to the maximum extent to identify and punish those responsible; failure to do so incurs in a violation independently of any substantive breach.³⁰¹ Beyond Articles 2 and 3, POs also arise under other provisions, notably Article 8, though there the Court tends to assess compliance through a fair-balance inquiry between individual and community interests and an analysis of the adequacy of the legal and institutional framework, rather than through the tripartite structure described above.³⁰² Where the violence in question is discriminatory, the procedural duty is further inflected by Article 14: read together with Article 3, it imposes an additional obligation to take reasonable steps to unmask any bias motive underlying the ill-treatment. Should a discriminatory case be treated equally to a case that stems from no similar biases, this may constitute an unjustifiable treatment which contrasts with Article 14.³⁰³ Throughout, the protection afforded must be practical and effective rather than theoretical and illusory, and the State retains discretion as to the means of compliance but not as to whether effective protection is secured.³⁰⁴

Stoyanova's analytical framework complements this approach by providing the criteria through which a failure to comply with these obligations can be assessed. Accordingly, once the existence of a PO is established, the Court examines whether the State had, or ought to have had, knowledge of the relevant risk (State knowledge), whether the State's omission contributed to the harm suffered (Causation), and whether the measures adopted (or not adopted) were reasonable in the circumstances (Reasonableness). The following analysis will then refer to the three types of protection on the basis of the four criteria above.

Three important caveats must be noted and will be taken into consideration throughout the following paragraphs. First, the Court has ruled multiple times that the mere presence of a deficient framework is not sufficient to raise an issue against the Convention, and that the deficiency must be demonstrated to have had a detrimental effect on

³⁰⁰ *ibid* para 116.

³⁰¹ European Court of Human Rights, *Guide on Article 3 of the European Convention on Human Rights: Prohibition of Torture* (Council of Europe/ECHR, updated 31 August 2025) paras 119–122 https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_eng accessed 16 June 2026.

³⁰² *S.V. v Italy* (n 72) para 60.

³⁰³ *Identoba and Others v Georgia* (n 88) para 67.

³⁰⁴ *Airey v Ireland* App no 6289/73 (ECtHR, 9 October 1979) para 24; *Cevrioğlu v Turkey* App no 69546/12 (ECtHR, 4 October 2016) para 55; *Kolyadenko and Others v Russia* App no 17423/05 (ECtHR, 28 February 2012) para 166.

individuals.³⁰⁵ Secondly, a PO on grounds of omission may be found only when such omission implies the need to perform an action that was not done, rather than mere, empty non-doing.³⁰⁶ Thirdly, Stoyanova reminds that the Court will adopt a more abstract reasoning that allows for wider considerations for the State not to be able to foresee what the Court's judgment will be,³⁰⁷ in light of this, and also considering the limited scope of this dissertation and the lack of judicial competence of the author, this study does not aim to determine with certainty whether and what POs Italy is in breach of, but rather identify divergences between the POs and the country's implementation of them, estimating possible violations.

5.2 ITALY'S HOSTILE ENVIRONMENT AS A RISK MULTIPLIER

The Court has defined that some issues transcend the circumstances of an individual case,³⁰⁸ entailing that some breaches represent the localized expression of a wider pattern of disadvantage recognized as structural, where the applicant's vulnerability is itself the product of a systemic societal failure the State has done too little to address.³⁰⁹

Many underlying Italian anti-queer factors have been outlined thus far, including: the limitations on queer parenthood, the legal inexistence of non-binary people, the court-dependent gender recognition for trans individuals, the limitations on sexual and affective education through the DDL Valditara, the defeat of the DDL Zan on SOGI-specific hate crime legislation, the powerful and influential comments of the Catholic Church, the weaponization of religion, and hate speech from renowned politicians and from members of society. In the South, this is compounded by additional transversal factors. This all fosters an environment of social and cultural violence that perpetuates the vulnerability of LGBTQIA+ people to hate crimes,³¹⁰ and that may amount to degrading treatment under Article 3 ECHR if it causes the victims to feel 'fear, anguish and inferiority capable of humiliating and debasing them and possibly breaking their physical or moral resistance'.³¹¹ Considering the

³⁰⁵ *Fernandes de Oliveira v Portugal* App no 78103/14 (ECtHR, 31 January 2019) para 107.

³⁰⁶ Vladislava Stoyanova, 'Causation: Why and How for Establishing Breach of Positive Obligations under the European Convention on Human Rights?' in Vladislava Stoyanova and David McGrogan (eds), *From Protection to Coercion: The Limits of Positive Obligations in Human Rights Law* (forthcoming, Hart/Bloomsbury) 7.

³⁰⁷ Stoyanova, *Positive Obligations* (n 296) 185.

³⁰⁸ *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021) para 161.

³⁰⁹ Stoyanova, *Positive Obligations* (n 296) 182–185.

³¹⁰ Caterina Peroni and Pietro Demurtas, 'Unpacking LGBT+ Hate Crimes Discourse in Italy: Between Symbolic Recognition and Claims for Sexual Citizenship' (2024) 23 *Safer Communities* 219, 219.

³¹¹ *Jalloh v Germany* App no 54810/00 (ECtHR, 11 July 2006) para 68.

data gathered in chapters two to four, it can be assumed that Italy's attitude towards queer people provides sufficient grounds to generate these feelings.

Under the CoE, this hostile environment clashes with its core principles of equality and non-discrimination, as many examples confirm. ECRI, e.g., states that racial discrimination, whether direct or indirect, as well as, instructing, inciting, or aiding to discriminate must be prohibited by law.³¹² *Nachova and Others v Bulgaria* confirms: 'authorities must use all available means to combat racism and racist violence'.³¹³ Transposing the obligation onto SOGI, equally vulnerable grounds,³¹⁴ appears consequential, and is supported by further legislation. Measures that generate hierarchies of types of people and of families stigmatize the lower ranked ones and foster discrimination, or homotransphobia in this case, and are therefore 'incompatible with the notions of equality, pluralism and tolerance inherent in a democratic society'.³¹⁵ Such democracy must be secured by politicians, who must refrain from making public statements that promote anti-queer hatred and intolerance.³¹⁶ Lastly, the historical vicinity to the Catholic Church constitutes no justification to breach the confessional neutrality States must ensure. Under Article 14 ECHR, traditions, stereotypes and prevailing social attitudes cannot justify a difference in treatment for queer people, and policies or decisions that endorse a predisposed anti-queer bias are deliberately rejected by the Court.³¹⁷ In sum, instead of seeking to eliminate pluralism, which results in social polarizations of 'us' versus 'them', the State should foster the harmonious interaction of individuals and groups with varied identities, aiming for social cohesion.³¹⁸

5.3 STATE KNOWLEDGE, CAUSATION, REASONABLENESS

³¹² European Commission against Racism and Intolerance, *ECRI General Policy Recommendation No 7 on National Legislation to Combat Racism and Racial Discrimination* (adopted 13 December 2002, amended 7 December 2017, CRI(2003)8 REV) 'Key Elements of National Legislation against Racism and Racial Discrimination', section III.

³¹³ *Nachova and Others v Bulgaria* App nos 43577/98 and 43579/98 (ECtHR, 6 July 2005) para 145; Article 8 ECHR.

³¹⁴ *M.C. and A.C. v Romania* (n 89) para 114.

³¹⁵ *Macatė v Lithuania* App no 61435/19 (ECtHR, 23 January 2023) para 215.

³¹⁶ *Nepomnyashchii and Others v Russia* App nos 39954/09 and 3465/17 (ECtHR, 30 May 2023) para 75.

³¹⁷ *Fedotova and Others v Russia* App nos 40792/10, 30538/14 and 43439/14 (ECtHR, 17 January 2023) para 217.

³¹⁸ *Gorzeliak and Others v Poland* App no 44158/98 (ECtHR, 17 February 2004) para 92.

Italy was already found to have an inadequate legal framework towards queer people in *Oliari*.³¹⁹ A similar analogy may be drawn to queer Italians and their vulnerability to hate crimes, where an absence of SOGIESC-specific hate crime legislation may create a comparable gap between the social reality of the violence experienced and the protection offered by the legal system. This gap is the missing link between legislative framework and responsibility under the ECHR. Besides, for the State's PO to be triggered, it is not necessary to know in advance that a specific individual was at risk, but rather the knowledge of the existence of a general problem suffices.³²⁰ In the present case, the existence of such general problem has been proved throughout the whole dissertation, including with official and civil society statistics and monitoring, recommendations and warnings from international bodies and representatives, years of parliamentary and political debate, and interviews.

Stoyanova's framework demonstrates that such statutory omissions are not passive legal vacuums, but active systemic failures that possess a direct, predictable causal nexus to the proliferation of hate crimes. By leaving a vulnerable group outside the scope of specialized protection, the State fundamentally lowers the deterrence threshold, failing its substantive PO to provide an effective legal framework and the procedural investigative shields mandated by the Convention. Under her approach to causation, the State's failure to take appropriate measures to protect a group's physical and psychological integrity becomes a legally operative cause of the victim's vulnerability.³²¹

Furthermore, the doctrine of the margin of appreciation cannot be utilized to absolve a State of this regulatory responsibility. The weight of the institutional abandonment in object places an unfair burden on marginalized queer Italian citizens, subjected to a persistent, atmospheric insecurity where exercising public visibility or reporting discrimination requires navigating deeply entrenched social anxieties and structural hurdles. While the Court grants domestic authorities a degree of discretion regarding their choice of socio-political aims and means, this latitude is strictly governed by a standard of reasonableness; consequently, a State's structural margin shrinks substantially and cannot serve as an excuse for legislative stagnation when an ongoing lack of protective infrastructure leaves a vulnerable class of citizens systemically exposed to foreseeable third-party harm.³²² The obligation here respects the Court's reluctance to the imposition of an impossible or disproportionate burden,³²³ as it

³¹⁹ *Oliari and Others v Italy* (n 66) paras 185–187.

³²⁰ Stoyanova, *Positive Obligations* (n 296) 25.

³²¹ *ibid* 49–51.

³²² *ibid*.

³²³ *S.M. v Croatia* App no 60561/14 (ECtHR, 25 June 2020) para 315.

only requires only the extension of an existing legislative technique to encompass SOGIESC among the other protected characteristics. That such a measure is wanted and attainable is demonstrated by the many proposed bills on queer protection from hate crime, e.g. the Zan bill. It is, therefore, not the institutional capacity that lacks, but rather the political will to enact queer-positive measures.

5.4 LEGISLATIVE FRAMEWORK

A State might be found in breach of its POs in case a relevant national regulatory framework is totally absent, presents deficiencies, is ineffectively implemented, or is adopted despite being problematic.³²⁴ ‘Effective deterrence against serious acts, where fundamental values and essential aspects of private life are at stake, requires efficient criminal-law provisions’, and vulnerable individuals must be provided with effective protection.³²⁵ Italy’s lacking queer-protecting hate crime legislation is potentially in breach of Article 14, as this often leads to treating such cases as ordinary crimes and turning a blind eye to the nature of the crime, that is destructive of fundamental rights.³²⁶ Additionally, the Court urges countries to provide LGBTQIA+ people with adequate protection: compliance with POs requires that the domestic legal system demonstrate its capacity to enforce the criminal law against the perpetrators of such violent acts.³²⁷ It might be argued that a dedicated statutory provision is unnecessary as a homotransphobic motive can be absorbed into a general aggravator such as Article 61(1) of the Italian Criminal Code. In this case, however, the reasoning of the domestic courts would not make clear what weight, if any, is attributed to it, so that its effect on the outcome cannot be measured; even worse, general aggravators block the chance to attribute specific weight to any single factor at all, thus dissolving the legal consequence the discriminatory motive should be given.³²⁸ In light of this, the inability to take into consideration SOGIESC bias motives as aggravating factors may account as indirect State discrimination under the ECHR.³²⁹ This suggests that the PO to generally protect society, applicable at all times, might have been breached:³³⁰ a legal framework that provides no

³²⁴ Stoyanova, *Positive Obligations* (n 296) 176.

³²⁵ *M.C. and A.C. v Romania* (n 89) para 114.

³²⁶ *ibid* para 113.

³²⁷ *Oganezova v Armenia* App nos 71367/12 and 72961/12 (ECtHR, 17 May 2022) para 85, 123.

³²⁸ *Stoyanova v Bulgaria* App no 56070/18 (ECtHR, 14 June 2022) paras 39, 72–74, 79.

³²⁹ Explanatory Memorandum to Recommendation CM/Rec(2010)5 of the Committee of Ministers on Measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity, quoted in *Sabalić v Croatia* (n 90) para 52.

³³⁰ Stoyanova, *Positive Obligations* (n 296) 25.

reliable protection and no guarantee of aggravated punishment does not meet the standards of the Convention.

5.5 OPERATIONAL MEASURES OF PROTECTION FOR SPECIFIC INDIVIDUALS

Following *Osman v United Kingdom*, States are under the PO to ‘take protective operational measures to prevent harm against a specific individual who is at real and immediate risk’, aiming to protect the potential victim directly and/or restrict potential perpetrators from acting. Once the risk and the victims are identified, the content and scope of this obligation are then assessed based on the nature of the risk and the object of protection. Since the *Osman* judgment was made in 1998, however, the Court's jurisprudence has gradually broadened the application of these POs beyond cases falling strictly within the original framework,³³¹ among these, cases where the harm cannot be attributed to a specific actor,³³² cases where individuals under the responsibility of the State suffer harm,³³³ and cases where the risk falls on the public at large.³³⁴ Similarly, in some cases the requirement of the ‘real and immediate risk’ was deemed irrelevant,³³⁵ or modified to include cases where the harm has already occurred and, although not imminent, is likely to occur again.³³⁶ In any case, the authorities are bound to conducting a risk assessment that is autonomous, proactive, and comprehensive,³³⁷ to then identify the content and scope of the operational procedures. The Court does not specify how the risk assessment must be conducted.³³⁸

Italy's limited monitoring system restricts its ability to properly conduct the above-mentioned risk assessment. The data monitoring system in Italy is rendered partial by lacking factors including an official definition of hate crime, a uniform and unambiguous monitoring system bridging the State and civil society, and a specific classification for anti-SOGI hate crimes. In OSCAD, therefore, repeat bias offences are not automatically aggregated, perpetrators targeting queer victims may hardly be flagged as recidivist, and valuable risk alerts cannot be generated; rather, this information needs to be manually extracted, potentially leading to the omission of the anti-queer bias motive and consequent

³³¹ *ibid* 203–206.

³³² *Dodov v Bulgaria* App no 59548/00 (ECtHR, 17 January 2008) para 100.

³³³ *Centre for Legal Resources on behalf of Valentin Câmpeanu v Romania* App no 47848/08 (ECtHR, 17 July 2014) para 130.

³³⁴ *Mastromatteo v Italy* App no 37703/97 (ECtHR, 24 October 2002) para 74.

³³⁵ *Stoyanova Positive Obligations* (n 296) 208–209.

³³⁶ *Kurt v Austria* (n 308) para 175.

³³⁷ *ibid* para 168.

³³⁸ *Stoyanova, Positive Obligations* (n 296) 211–213.

treatment as a regular crime. The phenomenon of underreporting complicates the case further, as due to distrust and fear of secondary victimization, among others, the monitoring system is deprived of substantial data. This partial statistics then downgrades the severity of the threat as the fake situational portrait suggests a lack of urgency. Consequently, no standardized individual risk assessment is mandated at the early stage of a case. As explained in subchapter 5.2, additionally, the reported hate crimes represent the tip of the iceberg, as anti-queer violence materializes in everyday life through the above-mentioned instances of hostility. Although not formally recorded, those lived experiences are documented and known to the public, thus reinforcing that the vulnerability of queer people in Italy is a given fact for which the lack of preventive measures, which the DDL Zan, e.g., would have instated, may be considered as an insufficient operational measure; under *X and Others v. Bulgaria*, this general climate is enough to trigger the State's PO to adopt adequate operational measures, considering priorities and resources.³³⁹ Unfortunately, though, many of the operational measures currently in place are actually detrimental to the queer community, including the Valditara Law and the Varchi Law. It must be noted, however, that OSCAD does provide for some preventive measures, including a hate crime training to the Italian police force, which includes queer-sensitive learning. Although positive and in line with *Kurt v Austria*,³⁴⁰ this measure is simply insufficient to dismantle the deeper cultural bias that motivates the same hate crimes the police is trained to combat.

5.6 EFFECTIVE INVESTIGATION

In the event of existing or potential situations of harm or threat, the State authorities are mandated to perform an effective investigation to identify the perpetrator(s) and punish them accordingly. The investigation must be adequate, timely, and thorough, as well as aiming to unmask possible discriminatory biases motivating the hostility. Failure to comply may result in a breach of Article 3 ECHR, among others.³⁴¹ An effective investigation is required when harm is inflicted by the State, by non-state actors, or by arguable omissions. Not only do they lead to identifying the perpetrators and, consequently, taking the necessary measures, but such investigations are crucial to 'maintain public confidence in the authorities' maintenance of the rule of law, to prevent any appearance of collusion in or tolerance of

³³⁹ *X and Others v Bulgaria* (n 297) para 182.

³⁴⁰ *Kurt v Austria* (n 308) para 172.

³⁴¹ *X and Others v Bulgaria* (n 297) para 184–192; *Genderdoc-M and M.D. v Moldova* (n 91) para 37, 45.

unlawful acts'.³⁴² Investigations are not limited to the case itself, but also to the State, which might have contributed to the harm through an alleged negligence in discharging POs.³⁴³ The ability to effectively investigate is, however, necessarily intertwined with the other two POs above. In fact, 'while it is possible to address some hate crimes without specific hate crime laws, the absence of such laws impedes the effective investigation, prosecution and sentencing of hate crimes'.³⁴⁴

This is precisely Italy's case. Anti-queer bias motives are complicated to identify when the means of identification is absent, and general aggravators and the consequent downgrading of the severity of the crime fail to address the root cause and to comply with the Convention.³⁴⁵ A State that professes fidelity to the Convention's guarantees of equality and non-discrimination, yet remains silent or inactive on the bias motive underlying anti-queer hate crimes, exhibits a misalignment between what it declares and what it does, and that misalignment shades into a form of complicity.³⁴⁶

5.7 HEIGHTENED RESPONSIBILITY IN SICILY

Italy's awareness of Sicily's economic underdevelopment is undeniable.³⁴⁷ That economic insufficiency drives more social intolerance, especially when compounded with culturally adverse characteristics, is out of doubt. For this, in case queer-protecting legislation were to be adopted in less economically advanced areas, not only could this result in a failed attempt to reduce social intolerance towards queer people, but it could actually generate more of it if economic insufficiency is also not adequately tackled.³⁴⁸ The failure of the Sicilian regional law against homotransphobia, for example, proved that, although its provisions intend to protect the queer minority, society's social advancement is undermined when an unstable economic base leads the population to concentrate their efforts on immediate

³⁴² *Nikolova and Velichkova v Bulgaria* App no 7888/03 (ECtHR, 20 December 2007) para 57.

³⁴³ *Ribcheva and Others v Bulgaria* App no 37801/16 (ECtHR, 30 March 2021) para 128.

³⁴⁴ OSCE/ODIHR, *Hate Crime Laws* (n 25) 30.

³⁴⁵ *Sabalić v Croatia* (n 90) para 115.

³⁴⁶ *Beizaras and Levickas v Lithuania* (n 92) para 152, 155.

³⁴⁷ Dipartimento per le politiche di coesione e per il Sud, 'Regioni meno sviluppate' (Presidenza del Consiglio dei Ministri) <https://politichecoesione.governo.it/it/politica-di-coesione/la-programmazione-2021-2027/programmi-europei-2021-2027/schede-interattive-programmi-finanziati-dai-fondi-strutturali/schede-interattive-pr-finanziati-da-fesr-o-plurifondo/regioni-meno-sviluppate/> accessed 2 July 2026.

³⁴⁸ Robert Andersen and Tina Fetner, 'Economic Inequality and Intolerance: Attitudes toward Homosexuality in 35 Democracies' (2008) 52 *American Journal of Political Science* 942, 954–956; see also: 'Survey across 153 Countries Links the Effects of LGBT-phobia and Economic Insecurity' (*Phys.org*, 5 January 2026) <https://phys.org/news/2026-01-survey-countries-links-effects-lgbt.html> accessed 3 July 2026.

material concerns. In its Conclusions on Article 30, the European Committee of Social Rights declared that Italy is again not in compliance with the Article due to its uncoordinated action against poverty and social exclusion, thus recommending to implement an adequate approach to comply with its obligations.³⁴⁹ As per organized crime, in *Cannavacciuolo and Others v Italy*, the Court ruled that failure to contrast the effects of organized crime in a timely manner and with due effort, particularly if the criminal presence is known and if its effects on society are widespread, may result in a breach of the Convention.³⁵⁰ The Mafia in Sicily is known for being widespread, although more in the past, and its influence on hate crime-related behaviors nowadays has been proven by chapters three and four. Its effect of social intolerance towards the queer community, seen as profoundly adverse to its rigid heterocisnormative rules, lays an added negative value on the queer Sicilian.³⁵¹ And lastly, antimeridionalismo has no place under the Court, as States are mandated to ensure tolerance among groups.³⁵² These intersecting identities add up to the generally hostile environment, fostering a necessity for tailored measures that take the present factors into consideration. It is the Court itself that acknowledges that belonging to multiple minorities makes the vulnerability ‘particular’, triggering the need for States to act promptly and effectively to avoid the materialization of harm.³⁵³ The effects of the State’s currently insufficient efforts are therefore unequal among unequal individuals,³⁵⁴ which may result in a violation of Article 14 if, without an objective and reasonable justification, the State fails to treat individuals in different situations differently.³⁵⁵ In light of this, the argument of required special diligence towards queer Sicilians appears well-founded.

5.8 (NON-)COMPLIANCE WITH POSITIVE OBLIGATIONS AS ACTIVE VIOLENCE

Framing all the abovementioned breaches as sole legal failures is incomplete and understating. Under the doctrine of POs, the classical liberal boundary between State omission and commission becomes fundamentally blurred. When a State enacts a targeted

³⁴⁹ European Committee of Social Rights, *Conclusions 2017: Italy* (Council of Europe, January 2018) 44–46.

³⁵⁰ *Cannavacciuolo and Others v Italy* App nos 51567/14 and 3 others (ECtHR, 30 January 2025) paras 490–492.

³⁵¹ Cristiano Giordano and Manuela Di Blasi, ‘Identità e omofobia in Cosa Nostra: un contributo gruppoanalitico soggettuale’ (2012) 7(1) *Narrare i Gruppi* 51.

³⁵² *Gorzelik and Others v Poland* (n 318) para 92.

³⁵³ *J.I. v Croatia* App no 35898/16 (ECtHR, 8 September 2022) para 97.

³⁵⁴ *F.M. and Others v Russia* App nos 71671/16 and 40190/18 (ECtHR, 10 December 2024) para 344.

³⁵⁵ *Thlimmenos v Greece* App no 34369/97 (ECtHR, 6 April 2000) para 38.

statutory exclusion of a vulnerable minority from protective legal frameworks, its apparent passivity ceases to be neutral and becomes a sovereign calculation that actively codes that group as politically expendable. Through this legislative abandonment, Pierre Bourdieu asserts that gender domination operates as the 'paradigmatic form of symbolic violence,' functioning as a concealed, structural modality of power wherein sexual and gender hierarchies are subtly naturalized and legitimized. Italy must intervene and provide parity of protection, as the country's passivity effectively operates as an endorsement of this structurally dominant hierarchy. The State's 'violent inaction' therefore validates the attacker's worldview, actively reinforcing a hostile social environment where heterocisnormativity is violently policed by private actors and the conditions that lead to direct forms of violence and further insecurity are generated.³⁵⁶

CONCLUSION

Assessed against the tripartite structure of POs and read through Stoyanova's criteria of knowledge, causation, and reasonableness, Italy's protection of its queer citizens falls short across every limb. In Sicily, economic underdevelopment, organized crime, and antimeridionalismo intensify this shortfall into a vulnerability the Court would recognize as particular, sharpening the duty of diligence the State has failed to meet. This chapter confirms the hypothesis of heightened responsibility in chapter 3, later confirmed by the interviews, the affirmations of which, regarding Italy's overall violent inaction towards the queer community, are also confirmed.

³⁵⁶ Eleanor Gordon and Henrik Kjellmo Larsen, 'The Violent Inaction of the State and the Camp as Site of Struggle: The Perspectives of Humanitarian Actors in Moria Camp, Lesbos' (2021) 6 *European Journal of International Security* 418.

CONCLUSION

This study set out to identify whether the Italian situation mirrors those in which the Court has found, or would be likely to find, a State wanting. The presence of rights-restricting legislation towards the Italian queer community, together with the fact that the current hate crime law encompasses specific protected grounds, confirms that the State currently does not *want*. Anti-queer hate crimes in Italy continue to occur under the eyes of the institutions, aware and provided with corroborating data, despite the national system posing a significant obstacle in obtaining consistent data and the overall environment of impunity leading society to lose faith in the authorities. Special attention needs to be reserved to the role that politics and influential religious and cultural factors, such as the Catholic Church, have to drive anti-queer hostility. By endorsing an active or omissive homotransphobic behavior, the State becomes officially acquiescent to anti-queer violence, enhancing its responsibility. The overall Italian landscape towards the queer community, when assessed against its POs under the ECtHR, has proven its partiality and failure in terms of legislative framework, lack of operational measures, and effective investigation, although those positive measures in place have been recognized.

In Sicily, this national shortcoming is intensified. The region has been proved to not be inherently more homotransphobic, yet the conditions in which its queer citizens live, such as the compounding of economic underdevelopment, the enduring presence of organized crime and related societal behaviors, and the subsequent antimeridionalistic internal othering, foster an environment of heightened risk, and with it a vulnerability the Court itself would potentially recognize as particular. Where individuals more acutely situated are met with the same uniform and already-inadequate response, the failure of protection acquires, under Article 14, an additional and distinct character, and the case for tailored measures and a correspondingly heightened duty of diligence becomes well-founded. This answers the research question: Italy's current measures to protect queer citizens from hate crimes are insufficient and incompatible with the Convention, and this approach presents grounds to be

found in potential breach of its POs, especially in multiply marginalized areas that increase State responsibility.

Forty-six years after the death of Giorgio and Antonio, Italy continues to show adversity and contribute to violence against the queer community. The community continues to suffer and die, and the State brings i ziti no justice and no peace. The current measures in place are not enough: queer rights are not exceptional, nor superfluous, nor an overstretch. Sicilians have shown their capabilities and willingness to act, and State support is pivotal to make protection and recognition materialize. The Italian State is therefore called to not only say it endorses equality and anti-discrimination, but also work towards the effective materialization of such principles in everyday life, from North to South. *‘Bisogna che l’Italia faccia il suo dovere’* [‘It is necessary that Italy does its duty’], and refrains from the currently employed ‘opossum strategy’ that makes the authorities look dead when, in fact, they know what they are doing.³⁵⁷

LIMITATIONS OF THE RESEARCH

This dissertation has not aimed to ascertain Italy’s position under the Court, as this duty is reserved to the Court. Rather, this study has worked by analogy, identifying the criteria needed to satisfy POs and mirroring them to Italy’s queer legal, economic, and sociocultural situation, thus making well-founded arguments regarding potential breaches. Therefore, the findings in chapter five may not be interpreted as factual and confirmed claims; notwithstanding this, the whole thesis functions as a structured and evidenced foundation upon which such a determination could be built, and that the Italian State may use in its assessment of compliance with the legally binding instruments it has ratified.

Furthermore, as predicted by Tryfonidou, the specific application of POs to sexual-minority rights remains insufficiently explored. Therefore, much of the doctrine invoked was developed in the contexts of discrimination under other protected grounds, and has here been transposed to the less developed domain of sexual orientation and gender identity protection. Despite being an extension of existing reasoning, though, this transposition is principled and adequately adapted. This is particularly true for Sicily, as the lack of a national framework connects to national data roughly existing, but without a regional disaggregation, which contributes to the indirectness of the overall measurement.

³⁵⁷ Maesi (n 227).

FURTHER RESEARCH

The study has researched the hate crime vulnerability and protection in Italy regarding the LGBTQIA+ community as a whole. As addressed by the interviewees, however, and how reiterated by the intersectional approach of the very core of the thesis, further research should investigate State responsibility in regards to hate crimes directed towards Italian and Sicilian trans people, with specific attention to trans women in situations of economic degradation and affected by mafia-related institutional and societal behaviors. In the event that queer-protecting hate crime provisions enter Italian legislation in the future, research should focus on whether adoption translates into effective implementation, disaggregating data regionally and analyzing the potentially compounding root causes as to why such implementation has been encountered or not. In short, as the interviewees stated, the presence of laws is one of the multiple measures needed to obtain *de facto* equality between queer and non-queer people in Italy and Sicily, and structural insufficiencies may not be resolved from the mere adoption of legislation, especially if mandated by supranational authorities and if such laws aim to comply with the bare minimum necessary.

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INTERVIEWS

Interview with Dario Accolla, writer, lecturer and LGBTQIA+ activist, co-founder of Gaypost.it and Open Catania (online, 16 June 2026)

Interview with Antonio Auriemma, National Coordinator of the Arcigay Youth Network (online, 17 June 2026)

Interview with Tiziana Biondi, co-founder and Vice President of Stonewall GLBT, Siracusa (online, 17 June 2026)

Interview with Gianmarco Capogna, Coordinator of the Scientific Committee of Possibile and Spokesperson for Possibile LGBTI+; Vice President of Arcigay Frosinone (online, 15 June 2026)

Interview with Chiara, representative of the Centro Antidiscriminazioni Protego, Arcigay Palermo (online, 12 June 2026)

Interview with Christian Leonardo Cristalli, National Coordinator for Trans Policies at Arcigay; founder of Gruppo Trans and coordinator of Casa Salani (online, 12 June 2026)

Interview with Marilena Grassadonia, civil rights activist and politician, former National President of Famiglie Arcobaleno; Head of Rights and Freedoms, Sinistra Italiana, and coordinator of the LGBT+ Rights Office of Roma Capitale (online, 25 June 2026)

Interview with Francesco Lepore, journalist, LGBTQIA+ activist, former Vatican official, and author (online, 24 June 2026)

Interview with Natascia Maesi, National President of Arcigay (online, 22 June 2026)

Interview with Vera Navarria, President of Arcigay Pegaso Catania (online, 17 June 2026)

Interview with Roberta Parigiani, civil lawyer and author, President of the Movimento Identità Trans (online, 24 June 2026)

Interview with Chiara Piccoli, LGBTQIA+ activist and National President of the Associazione Lesbica Femminista Italiana (ALFI) (written response, 26 June 2026)

Interview with Cirrus Rinaldi, Professor of Sociology, University of Palermo (online, 20 June 2026)

Interview with Alessandra Rossi, National Coordinator and Head of the Gay Help Line (online, 19 June 2026)

Interview with Donatella Siringo, LGBTQIA+ activist and National President of AGEDO (online, 21 June 2026)

IN LOVING MEMORY OF GIORGIO AND ANTONIO

Interview with Alina Tryfonidou, Assistant Professor in EU Law and Family Law, University of Cyprus (online, 13 May 2026)

ANNEX

CHAPTER FOUR: METHODOLOGY

Qualitative interviewing was judged the most appropriate method to proceed with, given that this thesis concerns lived experiences, institutional knowledge, and a continually evolving sociocultural situation. Complementing scholarly and official sources with direct and practice-based contributions therefore offered the most valid approach.

Sixteen interviews were conducted with Sicilian and Italian stakeholders, together with one Cypriot scholar who has written extensively on POs. All interviews were semi-structured: this format was chosen to let participants introduce information they considered important or relevant, while the interviewer's questions kept the discussion on topic. Participants were selected through a mixed sampling strategy combining purposive and snowball methods. Among them are academics working on POs and/or sexual and gender minorities, queer rights activists, politicians, and representatives of pivotal queer CSOs engaged, to varying degrees, in the advancement of queer rights and protection of the queer community regionally and nationally. This classification is not intended to be rigid: many participants' experience and expertise overlapped across categories. The breadth of participants was sought to maximise diversity within the field of queer rights, connecting, *inter alia*, institutional, legal, political, academic, and grassroots perspectives, Southern, Northern, and Southern-to-Northern vantage points, and leadership as well as employee and volunteer roles. All interviewees are, on average, in their early forties. To ensure that the interviewees did not feel constrained by the author's positionality, the participants were allowed to speak in their own terms, without the projection of the author's own experience onto participants' accounts. Divergent views were treated as analytically productive rather than as deviations to be explained away. The list of interviewees and their roles is the following:

- Alessandra Rossi, civil rights activist, current National Coordinator and Head of Gay Help Line.³⁵⁸
- Dr Alina Tryfonidou, Assistant Professor in EU law and Family law at the University of Cyprus, whose main interests are EU free movement law, family law, and the protection of the rights of queer persons.
- Antonio Auriemma, current National Coordinator of the Arcigay Youth Network.
- Chiara, representative of Centro Antidiscriminazioni Protego [Antidiscrimination Center] of Arcigay Palermo.
- Chiara Piccoli, queer rights activist and National President of Associazione Lesbica Femminista Italiana [ALFI, Italian Lesbian Feminist Association].³⁵⁹
- Christian Leonardo Cristalli, transgender rights activist with over 17 years of experience, serving as National Coordinator for Trans Policies at Arcigay, founder of the transgender, intersex and non-binary association Gruppo Trans, and coordinator of Casa Salani, an LGBTQIA+ shelter in the Bologna metropolitan area.
- Dr Cirus Rinaldi, sociologist and professor at the University of Palermo specializing in the sociology of deviance, gender, and sexualities, whose research focuses on the social construction of masculinities, LGBTQIA+ subjectivities, male sex work, and queer methodologies.
- Dario Accolla, Sicilian writer, lecturer, and LGBTQIA+ activist, co-founder of Gaypost.it, a queer news outlet, and Open Catania, a queer association in Sicily.
- Donatella Siringo, queer rights activist and National President of Associazione di genitori, parenti, amiche e amici di persone LGBTQIA+ [AGEDO, Association of parents, relatives, and friends of LGBTQIA+ people].³⁶⁰
- Francesco Lepore, Italian journalist, queer rights activist, former Vatican official, and author of the book *Il delitto di Giarre. 1980: un «caso insoluto» e le battaglie del movimento LGBT+ in Italia*.

³⁵⁸ Gay Help Line is an anti-homotransphobia helpline that provides legal, psychological, and emergency housing support. It is operated by Rome's Gay Center, a non-profit hub that works as a community center to provide support, advocacy, and direct services for the Italian LGBTQIA+ community.

³⁵⁹ ALFI is an Italian association founded in 2018 that aims to contrast discrimination and foster mental and physical well-being for LBTI+ women and all queer individuals through equal rights and opportunities. It provides training, support, and visibility throughout the country. ALFI – Associazione Lesbica Femminista Italiana, 'Home' <https://associazionelesbica.it/> accessed 20 June 2026.

³⁶⁰ AGEDO was founded in 1993 and has its administrative headquarters in Milan. Inter alia, it promotes civil rights and social change, as well as supports parents whose children have recognized and shared their non-heterosexual sexual orientation and/or non-cisgender gender identity, a process commonly known as 'coming out'. AGEDO Nazionale, 'Home' <https://www.agedonazionale.org/> accessed 20 June 2026.

- Gianmarco Capogna, current Coordinator of the Scientific Committee of Possibile,³⁶¹ Spokesperson for Possibile LGBTI+, and Vice President of Arcigay Frosinone.
- Marilena Grassadonia, civil rights activist, politician, and former National President of Famiglie Arcobaleno [Rainbow Families],³⁶² current national head of Rights and Freedoms for Sinistra Italiana³⁶³ and coordinator of the LGBT+ Rights Office of Roma Capitale.
- Natascia Maesi, Italian journalist and the current National President of Arcigay.
- Roberta Parigiani, civil lawyer, author, and President of Movimento Identità Trans [MIT, Trans Identity Movement].³⁶⁴
- Tiziana Biondi, co-founder and current Vice President of the queer association Stonewall GLBT.³⁶⁵
- Vera Navarria, current President of Arcigay Pegaso Catania.

The sample is not statistically representative, nor is it intended to be; in fact, it offers sixteen situated standpoints rather than a generalizable cross-section, and its findings are therefore interpreted accordingly.

The interviews were conducted in Italian and English. Where quoted in this dissertation, Italian language responses have been translated into English by the author. The questions asked have not always been uniform, but they have rather been adapted to the experience, knowledge, and interest of the interviewees. Additionally, the amount of questions asked depended on multiple factors, including the interviewees' availability, length per answer, and others. Nevertheless, all responses contributed to the main aim of the interviews, namely to perform knowledge-sharing and to obtain the impressions of relevant

³⁶¹ Possibile is a grassroots Italian left-wing political party, founded in 2015, and focused on fighting inequalities, protecting the environment, and advancing social and civil rights. Possibile, 'Chi siamo' (*Possibile*) <https://www.possibile.com/chi-siamo/> accessed 26 June 2026.

³⁶² Famiglie Arcobaleno is an Italian association born in 2005 involving and supporting queer individuals and couples that have become or wish to become parents. Famiglie Arcobaleno, 'Chi siamo' <https://www.famigliearcobaleno.org/chi-siamo/> accessed 20 June 2026.

³⁶³ Sinistra Italiana (SI) is a democratic socialist and ecosocialist political party focused on reducing social inequality, protecting the environment, and strengthening workers' rights. Sinistra Italiana, 'Chi siamo' (*Sinistra Italiana*) <https://www.sinistraitaliana.si/chi-siamo/> accessed 26 June 2026.

³⁶⁴ Movimento Identità Trans is an Italian advocacy organization that promotes the rights, healthcare, and social welfare of transgender individuals. Established in 1979, its first bases were in Turin, Milan, Florence, Rome, while Treviso and Bologna joined later and the latter has been hosting its headquarters since 1994. MIT is the oldest transgender rights group in Italy and one of the first established globally. Movimento Identità Trans, 'Chi siamo' (*MIT — Movimento Identità Trans*) <https://mit-italia.it/chi-siamo/> accessed 24 June 2026.

³⁶⁵ Stonewall GLBT was founded in Siracusa in 2008 and it aims to prevent and contrast violence and discrimination based on sexual orientation and gender identity. Stonewall, 'Chi siamo' <https://www.stonewall.it/chi-siamo/> accessed 20 June 2026.

figures nationwide and Sicily-wide. To do so, the a series of questions was asked. These include but are not limited to the following:

- Is Italy homotransphobic on a sociocultural/political/institutional level?
- What is your experience with anti-queer hate crimes? What do the victims report? If the victims do not report, why is it?
- How safe is a queer person in Italy/Sicily? How do intersectional factors interplay?
- How do you prevent anti-queer hate crimes?
- What are the institutions not doing that other entities are doing, e.g. civil society? If you find there to be anti-queer actions or a lack of positive actions, what is your opinion on them and how do you think they are influential?
- Do you think the institutions are responsible for Italy's homotransphobia?
- What are the root causes of Italy's homotransphobia, in your opinion?
- What is the passage from homotransphobic thought to violent hate crime, in your opinion?
- Have you noticed any difference in terms of homotransphobia in different regions of Italy?
- Do you think there are some regions of Italy that are more homotransphobic than others?
- Do you think pre-existing factors in some regions, such as economic fragility, institutional and infrastructural weakness, and state-backed organized crime, affect queer people more?
- Do you think that, in the above-mentioned regions, Italy has an enhanced responsibility to protect its marginalized citizens?
- For this, should Italy take any action to protect and advocate for the queer community on a national level, should the action be applied to the whole country equally or rather take into consideration other pre-existing factors that might enhance vulnerability, especially if the state has contributed to the development of such vulnerability?

The interview transcripts were analyzed on the basis of converging and diverging points, and the contributions that have been selected and transposed onto the body of the text are considered to be the most appropriate and complete to support the respective argument and context.

AI DECLARATION

The present work is the author's own. AI was merely for grammatical corrections and sentence reformulations. In the former case, each suggestion was duly verified through independent research. In the latter case, none of the outputs were used verbatim; rather, the resulting suggestions offered alternative general formulation perspectives that the author evaluated and rewrote in his own words. In the few instances where finding an appropriate source caused hardships, AI was used merely to facilitate this identification process, followed by independent verification.