

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON ITALY

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted-References in the National Report are *in Italics*.

Recommendations -including those from UN treaty-monitoring bodies, are at the end of the document.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

ISSUE	N Report	Compilation	Summary
Child sexual abuse		Prevalence of abuse, esp. against Roma children (19)	
Intolerance /Incitement to hatred			Increasing number of attacks against LGBTI people (28)
Right to marry			Not legal recognition of any form of same-sex partnership (34)
Sexual orientation and gender identity			Legal protection only in employment areas (19) Legislation prohibits free pass of marches and parades near certain buildings (38)
Trafficking Forced prostitution	Commission to support victims (30) Action by police and the judiciary, protection of victims (69) New gender sensitive legislation and legal framework. Programs to assist victims (70)	Coordinating Committee to elaborate an National Anti-trafficking plan (11)	Difficulties in getting residence permits. Destination and transit country. Commercial sexual exploitation. (30)
Trafficking/sexual exploitation /violence against children	Observatory against paedophilia and child pornography (29) Legislative amendments punishing sexual tourism and child prostitution (71)	Growing number, esp. from Romania. Risk of sexual exploitation (28)	

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

Child sexual abuse

() In 2003, concern was also expressed by The Committee on the Rights of the Child (CRC) about alleged instances of ill-treatment by law enforcement officers against children and at the prevalence of abuse, in particular against foreign and Roma children (Para 19, Compilation)

Intolerance / Incitement to hatred

ILGA Europe and others reported on an increase over the past three years in the number of attacks against lesbian, gay and transgender persons, or those who were perceived as having a different sexual orientation or gender identity (Para 28, Summary)

See Recommendations, ILGA Europe and others (28)

Right to marry

European Region of the International Lesbian and Gay Federation, in a joint submission with Arcilesbica, Arcigay, Crisalide Azione Trans, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Europe and others), stated that the Italian legal system did not recognize same-sex marriage or any other form of same-sex partnership, which resulted in discrimination in a number of areas, such as family reunification (Para 34, Summary)

See Recommendations, ILGA Europe and others (34)

Sexual orientation and gender identity

As indicated by the ILGA Europe and others, legal protection for lesbian, gay and bisexual persons in Italy exists only in the areas of employment and persecution based on sexual orientation is considered as grounds for asylum (Para 19, Summary)

According to ILGA Europe and others, recent legislation requires that marches, parades and other events with a religious aspect or that could be against public morals, do not pass near certain buildings. This includes governmental buildings and churches or other important religious buildings. Local authorities have the autonomy to define which buildings are relevant in the context of this legislation. This may represent a significant obstacle to the possibility of having Gay Pride marches and similar events, as demonstrated by the ban of the 2009 Pride march in Rome (Para 38, Summary)

See Recommendations, ILGA Europe and others (19)

Trafficking /Forced prostitution

Inter-ministerial Commission to support victims of trafficking, violence and serious exploitation-Prime Minister's Office: in charge of coordinating assistance programs, carried out by local authorities or private entities and co-financed by the State (Para 30, NR). To combat this phenomenon two areas of intervention have been developed: the action by Police forces and the judiciary and the protection and assistance of victims as guaranteed by Prefectures, public and private social services. From 2000 to 2009, approximately 600 projects involving about 15.000 victims were financed in order to supply temporarily accommodation, food and social assistance (Para 69, NR). A comprehensive new legislation against human trafficking was adopted in 2003, introducing new crimes (reduction to slavery, trafficking of human beings and slave trade) and defining a new legal framework which is victim and human rights oriented and gender and child

sensitive, focused on the legal protection of victims. A "Special Fund" was established to finance programs to assist and to temporarily take into care the victims of the crimes of slavery and trafficking of human beings sexually exploited or exploited at work. Through this Fund, from 2006 to 2009, 72 projects were realized involving more than 1000 victims of trafficking (Para 70, NR)

The ILO Committee of Experts on the Application of Conventions and Recommendations noted the establishment in 2007 of the **Italy Actions Against Trafficking in Human Beings Coordinating Committee**, which formed an inter-institutional table with an objective to elaborate a National Anti-Trafficking Plan (Para 11, Compilation)

Sexual Right Initiative (SRI) raised the difficulties encountered by victims of trafficking **in getting their residence permits**, granted on humanitarian grounds, converted into work or a study permit. SRI reported that Italy was a **destination and transit country** for women, children and men trafficked internationally for the purpose of **commercial sexual exploitation**. Trafficking has shifted into **more private, hidden sectors**, causing the identification of trafficking victims to become more difficult and complex (Para 30, Summary)

See Recommendations, The European Commission against Racism and Intolerance (CoE ECRI) (30)

Trafficking/sexual exploitation/violence against children

*Observatory for the fight against paedophilia and child pornography: established in 2006 with the task to acquire and monitor data and information to prevent and repress **children abuse and sexual exploitation** at national and international level (Para 29, NR). As far as child trafficking is concerned, Italian legislation severely punishes **"tourism initiatives aimed at exploiting child prostitution"** by **"whoever organizes or promotes such journey"**. Recent legislative amendments confirmed the obligation by tour operators to include in their advertising materials a statement recalling that such offences are punishable under the Italian law, **also when committed abroad by both Italian citizens or by foreigners jointly with an Italian citizen**, in accordance with the principle of extraterritoriality (Para 71, NR)*

CRC was deeply concerned in 2003 at the **high number** of child victims of trafficking, mainly from Eastern European countries, **especially Romania**, who were **at particular risk of being sexually exploited and used for the purpose of begging**. The ILO Committee of Experts took note of the growing number of minors victims of trafficking from 2000 to 2006 (Para 28, Compilation)

See Recommendations, the Committee Against Torture - CAT (28)

Suggested Questions and Recommendations

CAT

§ Strengthening efforts **to combat trafficking in () children** and taking effective measures to prosecute and punish trafficking in persons (Para 28, Compilation)

CoE ECRI

§ To pursue efforts to **protect victims of trafficking**, including by issuing special residence permits and funding social protection projects (Para 30, Summary)

ILGA Europe and others

- § That Italy ensure that the **outputs of media is pluralistic and non-discriminatory** in respect of issues of sexual orientation and gender identity and that speech motivated by **homophobia and phobia against transexuals** does not remain unpunished (Para 19, Summary)
- § That Italy impose appropriate criminal penalties for such violence (**attacks against lesbian, gay and transgender persons**) take the necessary measures to prevent it, and ensure that these cases are investigated (Para 28, Summary)
- § That Italy take all necessary legislative, administrative and other measures to respect fully and **legally recognize each person's self-defined gender identity** (Para 34, Summary)