

# JOINT STATEMENT ON HUMAN RIGHTS VIOLATIONS IN ITALY

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Today, November 20, we celebrate UN World Children's Day, and feel compelled to draw attention to the recent developments in Italy where some children no longer have their parents recognised.

Earlier this year, Italy's Minister of Interior of Meloni's government announced that registrars should no longer register the children of same-sex couples. The government's intimidation resulted in a series of administrative and legal attacks against LGBTIQ\* families throughout the country. In Padua, at least 33 mothers of 37 children received notification that their child(ren)'s birth certificates, in which two women's names appeared, were illegitimate. On Tuesday 14 November 2023, the first hearings possibly leading to the retroactive removal of the non-biological mothers' names from their respective birth certificates, effectively erasing the legal motherhood of the non-biological mothers, took place before the Court of Padua. The public prosecutor's office and the lawyer of the mothers in question, claim that removing one mother is unconstitutional.

In many cases, the deregistration comes after many years, and the children thus 'lose' one mother, and sometimes their family name, from one day to the other. The deregistration of a parent marks a clear breach of human rights, with significant negative impacts on the well-being and day-to-day lives of the parents and the children, and is clearly not in the best interests of the child.

These attacks are possible due to the fact that **Italy lacks a national law ensuring recognition at birth or through the adoption of the children of same-sex couples**. A few courageous mayors have in the past agreed to register the birth certificates of children with two mothers or transcribe the birth certificates of children with two fathers to ensure the children are not exposed to discrimination. The order to deregister one of the parents ultimately amounts to orphanage by decree, instigated by the prosecution and in line with the Meloni government's clear stance of not recognising the parental rights of LGBTIQ\* individuals.

This is a reminder that only legal protections such as adoption rights for same-sex couples can ensure that the fundamental rights and the best interest of all children to have their parents recognised are guaranteed.

**These attacks on rainbow families are happening in the context of broader attacks on the LGBTIQ\* community in Italy** and their fundamental rights by the government. Similar to the guidelines to deregister parents, schools have been called upon to no longer accept the *gender identity* of trans children in education, and a draft law proposes to withdraw the possibility of seeking asylum based on prosecution based on sexual orientation and gender identity. LGBTIQ\*-phobic hate speech, also from politicians, has been on the rise. The Meloni government is proposing to criminalise surrogacy arrangements made by Italian couples abroad, another move that might leave children without parents and thereby extremely vulnerable.

The European Court of Human Rights clearly ruled that states need to establish a mechanism to allow for recognition of the parent-child relationship for non-genetic parents, such as through adoption, and that children should not be blamed for their parents' decisions, including regarding conception. Children have an undeniable right to the protection of their private and family life. World Children's Day serves as a reminder of our collective responsibility to ensure every child's right to a stable and loving family environment.

We condemn the recent attacks on rainbow families and urge the Italian government to reconsider the current anti-LGBTIQ\* actions and decisions. All families need to be recognised and respected, without discrimination, in order to protect the best interest of the child and make sure they are not exposed to discrimination.

- *NELFA – Network of European LGBTIQ\* Families Associations*
- *Famiglie Arcobaleno, Italy Arcigay Nazionale, Italy*
- *ILGA-Europe*
- *EL\*C – Eurocentralasian Lesbian\* Community*
- *Društvo kulturno, informacijsko in svetovalno središče*
- *Legebitra, Slovenia*
- *Familles-arc-en-ciel/Regenbogenfamilien/famiglie\_arcobaleno/famiglias\_a'artg, Switzerland*
- *Sateenkaariperheet ry / Rainbow Families Association Finland*
- *ILGA World*