

Anti-Gay Lawyer Loses Appeal to Europe's Top Court

MOLLY QUELL April 23, 2020



A woman walks by the entrance to the European Court of Justice in Luxembourg on Oct. 5, 2015. (Geert Vanden Wijngaert, File)

LUXEMBOURG (CN) — An Italian lawyer who was sued after talking on the radio about his aversion to hiring gay people [failed Thursday](#) to secure relief from the EU's highest court.

“Homosexuals are abnormal, they have physical and genetic anomalies,” lawyer Carlo Taormina had said in a 2013 broadcast of the Italian shock jock radio program “La Zanzara.”

Taormina went on to say that he would never hire a gay person, spurring a lawsuit from an Italian nonprofit, Associazione Avvocatura per i diritti LGBTI – Rete Lenford.

The Lenford Network, as the group is otherwise known, brought a complaint against Taormina for employment discrimination.

Taormina, who at the time held a senior position at an Italian law firm, was lost the court battle in 2014 and ordered to pay damages of 10,000 euros (\$11,000).

He appealed, arguing that because his firm wasn't hiring at the time, his statements didn't constitute discrimination under the 27-member political and economic union's Equality Framework Directive, which establishes regulations for equal treatment in employment.

The Italian Supreme Court referred the case to the European Court of Justice for insight.

On Thursday, the Luxembourg-based court's Grand Chamber ruled that Taormina's remarks did constitute discrimination, as they fell into the scope of "conditions for access to employment ... or to occupation" described in the directive.

"The link between those statements and the conditions for access to employment or occupation within the firm of lawyers concerned is not hypothetical," an English translation of the seven-judge panel decision states.

In light of the Covid-19 pandemic, the court is closed but is still issuing judgments in cases it heard before the outbreak began.

Taormina contested the Lenford Network's standing to bring the suit, saying it was not an "injured party." But the Court of Justice disagreed, deciding that countries are free to allow associations to bring claims, even when no injured party can be identified.

"We are satisfied with the outcome," the group said in a statement.

The court also noted that this ruling may constitute a limitation on freedom of expression, but "freedom of expression is not an absolute right and its exercise may be subject to limitations." In this case, the court found that limitations were necessary to guarantee the employment rights of marginalized groups.

"The expression of discriminatory opinions in matters of employment and occupation by an

employer or a person perceived as being capable of exerting a decisive influence on an undertaking's recruitment policy is likely to deter the individuals targeted from applying for a post," the panel wrote.

The case now returns to the Italian high court for a final decision on the sentence for Taormina.

There has long been a culture of homophobia in Italy. Gay couples still cannot marry in the country and were only given the option to enter into civil unions in 2016.