



HATE HOMOPHOBIC CASES AND THE EUROPEAN INVESTIGATIVE ADEQUACY PRINCIPLE. SOME BRIEF REFLECTIONS ON ITS IMPACT ON THE ITALIAN LEGAL SYSTEM

On the European regional level – thanks to both the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union the case law of, as well as to the legislative activity of the same EU– we are witnessing the emergence of some legal principles (as well as the adaptation of some pre-existing principles) that aim at strengthening the protection of LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer) people. These principles have both procedural and substantive nature. This paper, starting from the 2021 ECtHR decision in *Sabalic v. Croatia*, tries to understand the impact of some of those principles (mainly the public prosecutor’s duty to investigate adequately, accurately, and exhaustively on homophobic hate cases, and the gender identity principle) on the Italian legal system, mostly on the legislative proposals on the protection of LGBTIQ people nowadays under consideration by the Italian Parliament.