



# Malta



**The drive to increase protection for LGBTI people in Malta continued apace in 2015. The Gender Identity, Gender Expression and Sex Characteristics Act (GIGESC) protects individuals' physical integrity, bodily autonomy and self-determination. It became an instant example of international best practice and the catalyst for several other significant initiatives: a wide-ranging education policy for trans, gender variant and intersex children and a comprehensive LGBTI Action Plan. The changes introduced by the Maltese government saw them rise to first place on the ILGA-Europe Rainbow Europe Index. The government moved to ban so-called 'conversion therapies', while the debate around diversity education in schools was less conciliatory.**

## Asylum

- In January, asylum was granted to a trans refugee following a review of their case by the authorities. This was the first time that the Commissioner for Refugees had granted protection on the grounds of gender identity.
- When passed in April, the GIGESC Act granted a right to legal recognition to those with refugee or protected status (see **Legal gender recognition**).

## Bias-motivated speech

- When passed in April, the GIGESC Act also extended bias-motivated speech and violence provisions to the grounds of gender expression and sex characteristics (see **Legal gender recognition**).
- US evangelist pastor Tom Brown was invited to speak at the River of Love church in June. During an interview with the Times of Malta, he stated that “Having same-sex attraction is not natural... it’s not healthy”. He also discussed his ability to ‘cure’ gay and lesbian people (see also **Health**).

## Bias-motivated violence

- The LGBTIQ Action Plan 2015-2017 (see **Equality and non-discrimination**) addressed hate crimes on the grounds of sexual orientation and gender identity. It included commitments to reviewing the existing protocols to deal with hate crime, ensuring police are adequately trained and setting up appropriate referral services for victims.

## Bodily integrity

- The GIGESC Act was passed in April (see **Legal gender recognition**) and it prohibits any unnecessary surgical procedure on the sex characteristics of a person without their consent, making Malta the first country in the world to enact such protections for intersex people.

## Education

- Malta became the first country in Europe to introduce an education policy focusing on the needs of trans, gender-variant and intersex children. On 16 June, the government launched the policy, along with an

accompanying procedure and strategy which outlined how the policy’s provisions should be implemented uniformly in schools. Among the specific needs addressed by the policy were confidentiality, support, adequate facilities, the possibility to amend documentation and access to information.

- On 29 July, the Minister for Education Evarist Bartolo (Labour Party, PL) announced that a collection of books on diversity would be distributed to schools. This set of educational materials would include books about LGBTIQ children and rainbow families, and audio-visual resources for teachers. Parents who objected to the LGBTI diversity books formed a Facebook group called ‘Parents and teachers against gender indoctrination of our children in schools’. In October, the education minister stated that the initiative was about eradicating stereotypes and promoting diversity. The books are currently being kept at the ministry for reference for teachers.

## Employment

- On 11 March, it was announced that the family-friendly measures (such as adoption or parental leave) enjoyed by married couples working in the civil service were extended to couples in a civil union.

## Equality and non-discrimination

- In February, the government announced a third option would be introduced for personal identification cards. An X category, signifying an undeclared sex/gender, would be made available alongside male and female.
- In July, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties published its LGBTIQ Action Plan 2015-2017. Following up on the government’s commitment in its programme for government to strengthen anti-discrimination policies, the Action Plan was developed in partnership with the LGBTIQ Consultative Council (LGBTI NGO representatives).
- Malta reached the top of ILGA-Europe’s Rainbow Europe Index for the first time in October, moving ahead of the UK.

- In November, a new Human Rights and Integration Directorate was established within the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties.
- On 10 December (Human Rights Day), the Ministry for Social Dialogue, Consumers and Civil Liberties opened a public consultation on two new bills; one proposed setting up a Human Rights and Equality Commission, the other draft Equality Bill outlaws discrimination in various spheres of life and promotes high equality standards.

## Health

- NGO Malta LGBTIQ Rights Movement (MGRM) called on the government to ban so-called 'conversion therapies'. In June, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties confirmed it was reviewing similar legislation from other jurisdictions. Minister Helena Dalli (Labour Party, PL) presented the draft *Affirmation of Sexual Orientation, Gender Identity and Gender Expression* bill to parliament for its first reading on 15 December. On the same day, a public consultation on the bill was opened until 15 January 2016.

## Legal gender recognition

- Following a unanimous vote, the Maltese parliament passed the *Gender Identity, Gender Expression and Sex Characteristics Act* on 1 April. The Act guarantees rights to gender identity, bodily integrity and physical autonomy for all persons. It outlines the legal gender recognition procedure for adults and minors, based on self-identification. President Maria Louise Coleiro Preca signed the Act on 14 April.

*"All individuals have a gender identity, whether we are aware of it or not, and we all have a right to have it respected by others. We politicians will be simply honouring our obligation to ensure all members of society can enjoy their life, succeed and prosper without discrimination."*

**- Minister Helena Dalli, speaking before the final vote on the GIGESC Act, 1 April**

- On 6 July, amendments to the GIGESC Act were approved by parliament. The changes (drawn up by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties) clarified a number of issues, including access to legal gender recognition for people who were adopted. The amendments were signed into law by the president on 14 July.
- In November, Minister for Home Affairs Carmelo Abela (Labour Party, PL) confirmed that 40 people had legally changed their gender since the introduction of the GIGESC Act.

## Participation in public, cultural and political life

- Alex Mangion (Nationalist Party, PN; Christian-democratic) became the first trans person to be elected to public office. The 25 year-old became a member of Attard local council in April.

## Public opinion

- According to Eurobarometer 2015, 55% of people surveyed in Malta believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 58% felt discrimination on this ground was very widespread (EU 28 average was 56%). 77% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 81% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 76% said they would be comfortable or moderately comfortable (EU28 average was 67%).

## Sexual and reproductive rights

- The government set up a review committee in August to propose changes to the Embryo Protection Act. At the time of writing, LGBTIQ people do not have access to reproductive health services under the existing legislation.