



# MALTA

## ASYLUM

An [interview](#) with a Tunisian couple in September, highlighted the plight of LGBTIQ asylum seekers in Malta. Fleeing potential imprisonment and death, the couple has been in Malta for two years but remained in legal limbo, with no indication of when and if they would be granted asylum. In the end, one of them was granted status, and the other is waiting for a decision from the appeals board.

## BIAS-MOTIVATED VIOLENCE

The Equality Act (see under **Equality and non-discrimination**) includes amendments to the hate crime legislation that would ensure the legal provisions are applicable to individuals and groups alike.

## BODILY INTEGRITY

On 26 June, the UN Committee on the Rights of the Child [recommended](#) Malta to protect intersex children from all non-consensual and unnecessary medical or surgical procedures, which continue to be practiced despite the ban. Civil society [warned](#) that sanctions for these harmful practices were only introduced in 2018, three years after the law was adopted, and that they are much lighter than in the case of female genital mutilation. The CRC also [called for](#) support for families and their intersex children and redress for victims.

## EDUCATION

In April, the Ministry for Education and Employment launched two National Policy documents: a [Policy on Inclusive Education in Schools: Route to Quality Inclusion](#) and a [National Inclusive Education Framework](#), to guide educators, schools, parents, professionals and all other stakeholders.

In April, MGRM issued its report of the [2017 Malta National School Climate Survey](#), partnered with GLSEN and Columbia University, finding an urgent need for a safe and affirming learning environment for LGBTI students. The report also highlights the positive impact of supportive staff, inclusive policies and curricula. The SOGIGESC Unit is working with the Directorates of Education on a pilot intra-curricular programme with two volunteer middle schools, the plans to extend the program to all middle schools. The Unit held a meeting with the Minister for

Education on measures to increase inclusion. In July, a meeting with Education Officers of six key subjects (Personal, Social and Career Development, Social Studies, Ethics, Science, English and Maltese) tackled the themes, incorporating them within each thematic syllabus.

## EQUALITY AND NON-DISCRIMINATION

In July, the Equality Act and Human Rights and Equality Commission Act were tabled in Parliament. The Act reached the Committee stage, but is expected to be adopted in 2020.

The [Equality Act](#) aims to ensure legal certainty and elevate the principle of equality to a right in itself, and make it applicable to all spheres of life. The Bill also implements the Twelfth Protocol to the European Convention into national law. Once passed, the Equality Act will provide for anti-discrimination measures outside of employment on a range of grounds including sexual orientation, gender identity, gender expression and sex characteristics, as well as providing for cases to be brought on intersectional grounds.

The [Human Rights and Equality Commission Act](#) provides for the establishment of a body, in line with the Paris Principles and EU equality legislation, responsible for the promotion and protection of human rights including the right to equal treatment and non-discrimination in Malta.

As part of Malta's second [LGBTIQ Equality Strategy and Action Plan \(2018-2022\)](#), the government launched the [All Welcome](#) campaign in June. This campaign encouraged businesses to register through the Equality Ministry and attend an information session, to receive a sticker they can post by their entrance to show that they are LGBTI-friendly. The reaction from the community was mostly negative, with criticism being that the action is turning the clock back in Malta - LGBTI-friendly businesses should be a given by now. Others however welcomed it, saying that businesses and public spaces need to hold diversity training, and proactively create a safe atmosphere for LGBTI people. The campaign is currently on hold.

In September, the SOGIGESC Unit held its first annual conference reporting on the implementation of the LGBTIQ Equality Strategy and Action Plan and published its first Annual Report detailing progress made.



## FAMILY

Until September, the Rainbow Families Network has welcomed 27 families, including 36 same-sex parents, and eight parents of trans children. The Network was set up by MGRM and the Malta Foundation for the Wellbeing of Society last year and focuses on organising discussions and information exchange.

## HEALTH

Malta's first Gender Wellbeing Clinic, which opened in 2018, has been successfully running and providing services to trans people, including counseling, hormone therapy and other gender affirming healthcare. Up until November, the Clinic had received close to 125 referrals.

On 7 January, the government presented Malta's new guidelines Transgender Healthcare Services, an outcome of lengthy consultations with civil society and other key stakeholders that took place last year. Services will range from primary care, gynecologic and urologic care, reproductive options, voice and communication therapy, psychological support, psychiatric care, psychotherapy and hormonal and surgical treatment. Care will be provided by a multidisciplinary team, including pediatric experts to ensure that the needs of trans children and youth are met.

A lifetime deferral ban on blood donation for men who have sex with men (MSM), was revised and as of September, the deferral period is reduced to one year. Such a lengthy deferral period is still perceived as discriminatory by LGBTI civil society.

## POLICE AND LAW ENFORCEMENT

The Ministry for European Affairs and Equality instructed the police to refer to individuals in gender neutral terms in their media reports, to avoid misgendering trans people or exposing their gender assigned at birth without their consent. The SOGIGESC Unit is currently working with the Malta Police Force to develop a policy which deals with trans, intersex and genderqueer persons in police detention.

## PUBLIC OPINION

The Eurobarometer, released in October, found that societal support for third option gender markers in the EU was the highest in Malta with 67 per cent.

## SEXUAL AND REPRODUCTIVE RIGHTS

While protocols allowing for lesbian couples to access reproductive health services are in place, the licencing of third-party gamete donation is still in the process of being finalised.