



MINISTRY FOR SOCIAL DIALOGUE,
CONSUMER AFFAIRS AND CIVIL LIBERTIES

LGBTIQ ACTION PLAN

2015 – 2017

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JULY 2015

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LIST OF ABBREVIATIONS

CHOGM	Commonwealth Heads of Government Meeting
EU	European Union
GIGESC	Gender identity, gender expression and sex characteristics
IDAHO	International Day against Homophobia and Transphobia
ILGA-Europe	The European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association
LGBTIQ	Lesbian, gay, bisexual, trans, intersex and genderqueer
MEDE	Ministry for Education and Employment
MEH	Ministry for Energy and Health
MEIAM	Ministry for European Affairs and Implementation of the Electoral Manifesto
MFA	Ministry for Foreign Affairs
MFSS	Ministry for the Family and Social Solidarity
MGRM	Malta LGBTIQ Rights Movement
MHAS	Ministry for Home Affairs and National Security
MJCL	Ministry for Justice, Culture and Local Government
MSDC	Ministry for Social Dialogue, Consumer Affairs and Civil Liberties
OPM	Office of the Prime Minister
UOM	University of Malta
UN	United Nations

1. INTRODUCTION

The national commitment towards equality for lesbian, gay, bisexual, trans, intersex and genderqueer persons in Malta requires concrete actions that lead to the enjoyment of all human rights and civil liberties regardless of sex, sexual orientation, gender identity, gender expression and sex characteristics.

The Government Programme made reference to a number of measures relevant to the LGBTIQ community – most of which have already been addressed. This LGBTIQ Action Plan 2015 – 2017 aims to specifically implement measure 06.010 which states that the government will strengthen policy initiatives aimed at combating discrimination on the grounds of sexual orientation in the public service, including in the police force.

The LGBTIQ Action Plan 2015 – 2017 was formulated by the LGBTIQ Consultative Council in partnership with the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. It was then finalised following consultation meetings with relevant Ministries that will be leading on the implementation of the various actions.

2. OVERVIEW OF DEVELOPMENTS DURING 2013 - 2015

In the past two years the Maltese Government has taken a number of initiatives aimed at addressing existing inequalities and injustices. These include:

- The settlement reached with Joanne Cassar and the change in the Civil Code enabling post-operative trans persons to marry a person of the opposite legal gender as well as ensuring that such a person shall be considered for all purposes of civil status, as belonging to the acquired sex.
- The participation of the Minister for Social Dialogue, Consumer Affairs and Civil Liberties in the 1st IDAHO Forum held in The Hague, where Malta was one of 13 EU states calling on the European Commission to adopt an LGBT comprehensive approach.
- The establishment of the LGBTIQ Consultative Council within the MSDC composed of representatives from all organisations active in the field of LGBTIQ rights.



Photo - Ramon Casha



Photo - Brian Grech

Celebration in front of Parliament soon after the adoption of the Civil Unions Act (Valletta, 2014)

- The enactment of the Civil Union Act which grants recognition at par with marriage and includes parenting rights as well as recognising marriages of same-sex spouses entered into in 3rd countries.
- The introduction of Constitutional protection against discrimination based on the grounds of sexual orientation and gender identity.
- An amendment to the Employment and Industrial Relations Act to include the ground of gender reassignment for purposes of sick leave and other rights and protections afforded under the Act.
- Amendments to the Procedural Standards in Examining Applications for Refugee Status (Amendment) Regulations to also include consideration of gender identity.
- The co-hosting of the 2nd IDAHO Forum with the Swedish Government in May 2014, held in Valletta with Malta being one of the co-authors of a Declaration of Intent signed by 18 countries.
- The Addressing Bullying Behaviour in Schools Policy which for the first time makes specific reference to homophobic and transphobic bullying.
- Active participation in the informal Network of Government LGBTI Focal points.



Photo - DOI - Jeremy Wonnacott



Photo - DOI

Prime Minister Dr Joseph Muscat and Minister Dr Helena Dalli addressing the 2nd IDAHO Forum (Valletta, 2014)

- The Gender Identity, Gender Expression and Sex Characteristics Act granting the right to the recognition of one's gender identity and the right to bodily integrity and physical autonomy.
- The organisation of a seminar entitled Beyond the Binary: Equality for Trans, Genderqueer and Intersex People and the hosting of a reception regarding the same theme in Strasbourg addressing Council of Europe member states.
- The Trans, Gender Variant and Intersex Students in Schools Policy which provides guidelines on how to implement the provisions of the GIGESC Act in schools.
- Participation in major international LGBTIQ events such as:
 - » the International Intersex Forum in Malta in 2013,
 - » the Transgender Europe Council in Budapest and the ILGA-Europe Annual Conference in Riga in 2014, and
 - » the Parliamentary Assembly of the Council of Europe's session discussing a trans report and resolution, the 3rd IDAHO Forum in Budva (Montenegro), a hearing organised by the European Parliament Intergroup for LGBTI rights entitled First Malta then the world: building respect for trans and intersex rights, and ILGA-Europe's 1st Gala in 2015.
- The installation of two permanent rainbow crossings, one in Malta and another one in Gozo dedicated to the UN Free & Equal Campaign.



DOI - Photo - Pierre Sammut



DOI - Photo - Pierre Sammut

'Beyond the Binary: Equality for Trans, Genderqueer and Intersex People' Seminar hours before the third reading of the GIGESC Bill (Valletta, 2015)

3. COMMITMENT FOR FURTHER ACTION

The Government recognises that despite the significant progress that has been achieved in a relatively short timeframe an ongoing effort is required in order to address violence, discrimination, bullying and ill-treatment, and on a more positive note, to guarantee equality and quality of life for all LGBTIQ persons.

For this reason Government commits to the following actions, based on the commitment taken in view of the Declaration of Intent to be implemented by 2017.

4. ACTION PLAN 2015 – 2017

4.1. Ensure the appropriate legislative and other measures are adopted and effectively implemented to combat discrimination on the basis of sex, sexual orientation, gender identity, gender expression and sex characteristics by:

a	The recasting of the Equality for Men and Women Act into an Equality Act providing for a general principle of anti-discrimination in all spheres of life, also tackling intersectional discrimination	MSDC
b	The adoption of a new Act establishing the Human Rights and Equality Commission entitled The Human Rights and Equality Commission Act	MSDC
c	Address the lifetime ban on men who have sex with men currently enforced by the Blood Donation Unit within the National Health Service	MEH
d	Introduce HIV status as a ground of non-discrimination in equality legislation	MSDC
e	Enact legislation criminalising harmful 'conversion therapies'	MSDC

Roundtable
First Malta, then the world
 Building respect for trans & intersex rights

Wednesday 24 June • 09:00 – 10:00
 European Parliament • ASP 5 G 305

SPEAKERS
Helena Dalli Maltese Minister for Civil Liberties
Isabel De La Mata Commission, DG SANCO
Arja Volpo Transgender Europe
Sophie Aujean ILGA Europe
 And MEPs **Miriam Dalli** & **Ulrike Lunacek**
 Chaired by **Ian Duncan MEP**
 Vice-president **Intergroup on LGBTI Rights**



Photo Reuben Sciberras



Photo Reuben Sciberras



Photo - MGOZ - George Scerri



Photo - MGOZ - George Scerri

Poster of the Roundtable 'First Malta, then the world: Building respect for trans & intersex rights' (European Parliament, 2015)

Two permanent rainbow crossings dedicated to the UN Free & Equal Campaign (Floriana & Victoria, 2015)

4.2. Register, investigate and prosecute hate-motivated crimes based on sex, sexual orientation, gender identity, gender expression and sex characteristics and publicly disavow such crimes as appropriate. We also commit to:

a	Establish a platform bringing together a number of stakeholders involved in both prevention and response to hate crimes. These could include the Police, the Ministry for Home Affairs and National Security, the LGBTIQ Consultative Council, MSDC, the National Commission for the Promotion of Equality, the Faculty for Social Well Being at the University of Malta, Victim Support Malta, the Ministry for Justice, Culture and Local Government and the Domestic Violence Commission	MSDC/ MHAS
b	A mapping of the current systems and protocols for responding to and recording hate crimes	MHAS
c	A proper understanding of what constitutes hate crime that is shared by all stakeholders	MHAS
d	The revision of current protocols for dealing with hate crimes	MHAS
e	The setting up of appropriate referral systems where victims may need additional support	MHAS
f	Reviewing police training curricula and ensure that police are adequately trained in order that police respond appropriately to reports of hate crime by LGBTIQ victims	MHAS

4.3. Ensure that the right to education can be effectively enjoyed free from discrimination; unhampered by gender stereotypes; and free from violence, bullying, social exclusion, or other forms of discriminatory and degrading treatment related to sex, sexual orientation, gender identity, gender expression and sex characteristics;

a	Monitor the implementation of the Trans, Gender Variant and Intersex Students Policy	MEDE
b	Assess the implementation of the Addressing Bullying Behaviour in Schools Policy	MEDE
c	Draw up a strategy and allocate the necessary financial resources in order to conduct training of the school community including school administrators, teachers, LSAs, support services, parents, students and trainee teachers	MEDE
d	Provide resources for schools such as story books, fiction and non-fiction for children and adolescents as well as resource packs for teachers	MEDE
e	Introduce an anti-homophobia and transphobia week in secondary and post-secondary state educational institutions	MEDE

4.4. Remove all obstacles that impede the right to private and family life on the grounds of sex, sexual orientation, gender identity, gender expression and sex characteristics by:

a	Conducting a review of the constitutionality of the provisions within the Embryo Protection Act that de facto exclude lesbians from the ability to receive treatment	MEH/ MSDC/ MJCL
b	Seeking to establish protocols with third countries that allow for adoption by same-sex couples	MFSS/ MFA
c	Mainstreaming of the Civil Unions Act and its consequences in the public registry system	MSDC/ MHAS

4.5. Guarantee the full legal recognition of a person's gender identity in all areas of life, in particular by enabling the change of name and gender in official documents in a fast, transparent and accessible manner. Remove abusive and disproportionate requirements for legal gender recognition, make available appropriate gender reassignment services and ensure that no-one is subjected to gender reassignment procedures without his or her consent;

a	Monitoring the effective implementation of the Gender Identity, Gender Expression and Sex Characteristics Act	MSDC
b	Establish treatment protocols and allocate funding towards gender reassignment treatment through the National Health Service	MEH
c	Adopt guidelines on the recognition of sex and gender to be used across the public service providing guidance to Government departments and agencies on the collection, use and amendment of sex and/or gender information in individual personal records	MSDC
d	Introduce an alternative gender marker to 'M' or 'F' on the Identity Card and the Passport, i.e. 'X'	MHAS/ OPM

4.6. Welcome international initiatives aimed at increasing the level of knowledge on the human rights situation of trans, genderqueer and intersex persons;

a	Encourage other countries to introduce provisions aimed at the recognition of the right to gender identity and right to physical autonomy and bodily integrity as provided under the Gender Identity, Gender Expression and Sex Characteristics Act	MSDC/ MFA
b	Promote the depathologisation of trans identities and intersex bodies	MSDC/ MFA

4.7. Raise human rights violations on the grounds of sex, sexual orientation, gender identity, gender expression and sex characteristics at the regional and international level and cooperate with other states or relevant intergovernmental organisations to tackle LGBTIQ-phobia across borders;

a	Join the UN LGBT Core Group in order to be able to advocate for LGBTIQ rights at the international level	MSDC/ MFA
b	Organise a side event as part of People's Forum within the CHOGM focusing on LGBTIQ rights in the Commonwealth	MSDC/ OPM
c	Establish LGBTIQ rights as a priority area for the 2017 EU Presidency	MSDC/ OPM
d	Make clear Malta's commitment in support of the EU council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation	MSDC/ MEIAM

4.8. Adopt measures to promote equality of LGBTIQ persons at the national level and support the adoption of strategies at the regional and international level when appropriate;

a	Continue to advocate with the European Commission for an LGBTIQ Roadmap	MSDC
b	Conduct a study aimed at garnering a better understanding of older gay men and lesbian women in Malta	UOM
c	Conduct an awareness raising campaign on HIV/AIDS amongst LGBTIQ communities	MEH

4.9. Mainstream the promotion of equality for all across government, with an adequate focus on sex, sexual orientation, gender identity, gender expression and sex characteristics, and raise public awareness on diversity and inclusion at all levels of society, starting from a young age;

a	Establish a week in schools promoting LGBTIQ diversity linked to IDAHO	MEDE
b	Conduct a public awareness campaign for parents aimed at increasing acceptance of LGBTIQ children and youth	MSDC/ MEDE
c	Enhance knowledge on trans employment issues, by providing visibility to international best practice, and train government interviewing boards, and other persons in key roles	MSDC/ MEDE

4.10. Cooperate with and consult non-governmental organisations defending the human rights of lesbian, gay, bisexual, trans, intersex and genderqueer persons on the adoption and implementation of measures that may have an impact on the human rights of LGBTIQ persons and ensure that all civil society actors working on LGBTIQ rights issues are afforded a safe and enabling environment, in law and practice, to carry out their legitimate functions and operate free from hindrance and insecurity.

a	Continue to enable the effective functioning of the LGBTIQ Consultative Council	MSDC
b	Build the capacity of civil society organisations by ensuring access to funding schemes such as the Voluntary Organisations Fund, the NGO co-financing Funds and the Civil Society Funds	MSDC
c	Set up a webpage on the MSDC website that would provide information on LGBTIQ issues and act as a means of communication with the LGBTIQ community and the general public	MSDC

5. DECLARATION OF INTENT



All human beings are born free and equal in dignity and rights. Human beings are entitled to the full enjoyment of all human rights, regardless of sexual orientation and/or gender identity.

We are committed to the principle of the universality of human rights and reaffirm that cultural, traditional or religious values cannot be invoked to justify any form of discrimination, including discrimination on grounds of sexual orientation and gender identity.

Lesbian, gay, bisexual, trans and intersex (LGBTI) persons constitute diverse and vulnerable groups, who, on the grounds of sexual orientation and gender identity, continue to be victims of hatred, violence, discrimination, bullying and ill-treatment.

We recognise that specific action is often required in order to counteract homophobia, biphobia, transphobia and related intolerance.

We welcome international initiatives taken to promote human rights of LGBTI persons, and reaffirm that this declaration does not substitute these documents.

In view of this, we the signatories intend to:

- Ensure that appropriate legislative and/or other measures are adopted and effectively implemented to combat discrimination on grounds of sexual orientation and gender identity;
- Ensure that the rights to freedom of expression and assembly are guaranteed, particularly with regard to public events, such as pride marches, by ensuring these events take place lawfully and by guaranteeing the effective protection of participants;

- Register, investigate and prosecute hate motivated crimes based on sexual orientation and gender identity and publicly disavow such crimes, as appropriate;
- Ensure that the right to education can be effectively enjoyed free from discrimination; unhampered by gender stereotypes; and free from violence, bullying, social exclusion, or other forms of discriminatory and degrading treatment related to sexual orientation or gender identity;
- Remove all obstacles that impede the right to respect for private and family life on the grounds of sexual orientation and/or gender identity;
- Guarantee the full legal recognition of a person's gender identity in all areas of life, in particular by enabling the change of name and gender in official documents in a fast, transparent and accessible manner;
- Remove abusive and disproportionate requirements for legal gender recognition, make available appropriate gender reassignment services and ensure that no-one is subjected to gender reassignment procedures without his or her consent;
- Welcome international initiatives aimed at increasing the level of knowledge on the human rights situation of intersex persons;
- Raise human rights violations on the grounds of sexual orientation and gender identity at the regional and international level and cooperate with other states or relevant intergovernmental organisations to tackle homophobia and transphobia across borders;
- Adopt measures to promote equality of LGBTI persons at the national level, and support the adoption of strategies at the regional and international level when appropriate;
- Mainstream the promotion of equality for all across government, with an adequate focus on sexual orientation and gender identity, and raise public awareness on diversity and inclusion at all levels of society, starting from a young age;
- Cooperate with and consult non-governmental organisations defending the human rights of lesbian, gay, bisexual, trans and intersex persons on the adoption and implementation of measures that may have an impact on the human rights of LGBTI persons and ensure that all civil society actors working on LGBTI rights issues are afforded a safe and enabling environment, in law and practice, to carry out their legitimate functions and operate free from hindrance and insecurity.



Official handing over of the IDAHO banner from Sweden and Malta to Montenegro, during the 3rd IDAHO Forum (Budva, 2015)

6. LGBTIQ CONSULTATIVE COUNCIL

LGBTIQ

CONSULTATIVE COUNCIL

The LGBTIQ Consultative Council is an advisory body set up by the MSDC in 2013. The aims of the Council are to advise government on those issues which impact on LGBTIQ persons and to put forward legislation, policies and other measures to advance the rights of LGBTIQ persons in consultation with the Minister.

The members of the Consultative Council are appointed by the Minister from among those persons active in organisations that work in the field of LGBTIQ rights. The Council can also include experts who are not part of organisations but who can contribute to the work of the Council.

The members of the Council are:

Gabi Calleja (Chair, MGRM)
 Silvan Agius (MSDC)
 Jacqueline Azzopardi (FOIPN)
 Shaun Azzopardi (LGBTI+ Gozo)
 Ruth Baldacchino (Independent)
 Eman Borg (LGBTI+ Gozo)
 Angele Deguara (AD LGBTIQ)
 Neil Falzon (aditus)
 Pyt Farrugia (Gender Liberation)
 Colette Farrugia Bennett (AD LGBTIQ)
 Iggy Fenech (We Are)
 Mark Grech (MGRM)
 Rudolf Grima (FOIPN)
 Joseanne Peregine (Drachma Parents)
 Mark Josef Rapa (We Are)
 George Douglas Saliba (Gender Liberation)
 Christian Vella (Drachma)
 Christopher Vella (Drachma)

www: www.lgbtiq.gov.mt

e: lgbtiq@gov.mt

The organisations currently represented on the council are:



aditus Foundation

aditus Foundation is a young non-governmental organisation with the mission to monitor, report and act on access to human rights by individuals and groups. aditus provides legal advice through its Pro Bono Unit and is involved in ongoing advocacy work.

www: www.aditus.org.mt
e: info@aditus.org.mt



Alternattiva Demokratika LGBTIQ

AD LGBTIQ is a group within Alternattiva Demokratika (AD) which focuses on the needs & rights of the lesbian, gay, bisexual, trans*, intersex & queer community. AD LGBTIQ aims to act as a consultative body to the executive committee of AD on matters related to LGBTIQ persons.

Facebook: www.facebook.com/adlgbtiq
e: ad.lgbtiq@gmail.com



Drachma & Drachma Parents Group

Drachma is a space open to all persons of good will who seek sexual and spiritual integration. It includes LGBTIQ persons, as well as their family and friends who wish to explore the intersections between sexuality, gender, gender identity, faith, spirituality and religion.

www: drachmalgbt.blogspot.com
e: drachmalgbt@gmail.com



Forum Opportunitajiet Indaqz Partit Nazzjonalista

FOIPN is a branch, within the Partit Nazzjonalista (PN) that promotes social equality and empowerment. FOIPN is composed of four main subcommittees, one of which is Gender Identity and Sexual Orientation.

Facebook: www.facebook.com/foipnmalta
e: foi@pn.org.mt



Gender Liberation

Gender Liberation is an NGO that works to connect, inform, and empower gender diverse communities, bringing voice to people who have been silenced by stigma and other strategies of social exclusion.

www: www.genderliberation.com
e: info@genderliberation.com



LGBTI+ Gozo

LGBTI+ Gozo, is a new NGO formed in April 2014, for the purpose of promoting and raising awareness regarding the LGBTI+ community in Gozo.

Facebook: www.facebook.com/lgbtiplusgozo
e: lgbtigozo@gmail.com



Malta LGBTIQ Rights Movement

MGRM's mission is to achieve full equality for LGBTIQ people in Maltese society. MGRM focuses on legislative change, policy initiatives, training and awareness raising, community building, providing support services, networking and capacity building.

www: www.maltagayrights.org
e: mgrm@maltagayrights.org



We Are

We Are Youth & Student LGBTQI Organisation focuses on four main areas: representation, awareness, community and education. We Are organises campaigns, training sessions, and events for its members and in collaboration with others.

www: www.weare.org.mt
e: info@weare.org.mt



Minister Dr Helena Dalli with members of the LGBTIQ Consultative Council at the ILGA-Europe Annual Conference (Riga, 2014)

www.lgbtiq.gov.mt

