

On the International Day Against Homophobia and Transphobia...

Fostering a safe environment

People have a right to feel safe from bullying, harassment and discrimination. However, according to a 2012 survey conducted by the European Union Agency for Fundamental Rights (FRA), this is not the reality for individuals who make up part of the lesbian, gay, bisexual and/or transgender (LGBT) community.

Education and employment are two areas where such discrimination, harassment or bullying takes place. According to this survey, the majority of the Maltese respondents, aged 18 years or over and who identified themselves as LGBT, had witnessed negative comments or conduct because a schoolmate, colleague or themselves were perceived to be LGBT.

This year, the International Day Against Homophobia and Transphobia marked on May 17, is focusing on LGBTIQ youth and is providing an opportunity to collectively amplify the message that what young people really need is to be protected from homo/trans/bi-phobia. All young LGBTIQ people have the right to grow up in safe and welcoming environments, where they can develop their personalities and talents irrespective of their individualities. This is because exposure to homo/trans/bi-phobia often leads to other consequences that can be serious.

Examples of homo/trans/bi-phobia can include offensive jokes, language, innuendo and mockery; insulting or abusive behaviour and gestures, graffiti, damage and threat to property, refusal to co-operate because of a person's sexual orientation or gender identity; deliberate exclusion from conversation and professional and social activity; physical threats and assault.

Creating a safe environment in schools

Fighting sex/gender-based violence in schools is an essential strategy to improve learning achievements for all. Creating an environment safe from homo/trans/bi-phobia is an investment in society and in the future of children and young persons who spend most of their time at school during the compulsory years of education.

At school:
“Ten years later, I still consider being bullied at school the worst form of homophobic abuse I’ve ever been subjected to. The constant insults for being effeminate (and therefore gay) were unbearable at school, and not much action was taken by the teachers against bullies! Bullying forced me to remain in the closet until I reached the age of 18”. (Malta, gay, 25)
“I experienced so much discrimination, harassment and violence that it has become my daily life”. (Lithuania, transgender, bisexual, 25)
At work:
“I had an experience at work in terms of discrimination: a colleague told me he respected me but thought I was abnormal ... in a few words, my sexual orientation was against nature in his opinion”. (Italy, lesbian, 28)
“My behaviour at work involves a lot of self-censorship and a certain guarded manner”. (Germany, gay, 31)

Source: FRA. *EU LGBT survey*, 2013

A discriminatory and unsafe environment can have a huge impact on learning achievement and dropout rates. The psychological damage, including low self-esteem, leaves permanent marks on the children's and young people's lives.

To deal with such concerns, schools should have an anti-bullying policy addressing the issue of homo-transphobic bullying or harassment; provide peer counselling and inclusive sexual and relationship education. Schools can also have effective complaint procedures concerning discrimination on the basis of sexual orientation and gender identity.

Fostering equality in employment

Today, it is illegal for an employer to discriminate against an employee or potential employee on the basis of sexual orientation, gender identity, gender expression and sex characteristics. Unfortunately, sometimes discrimination still occurs, leaving victims facing harassment, uncomfortable work environments, being denied opportunities for advancement, or even losing their jobs.

To address such discrimination in the workplace, employers can establish a policy promoting equality and condemning harassment as well as providing training to employees on this subject matter. Diversity workshops can help to send a message of equality. Moreover, the workplace should have effective internal procedures in cases of harassment or discrimination. Organisations can also appoint equality representatives as a point of reference for employees and to ensure equal treatment in the workplace.

Legislative developments for LGBT rights

Malta has registered a number of breakthroughs for LGBT rights.

Enacted in Parliament in April 2014, through the Civil Unions Act couples in a civil union are granted the same rights enjoyed by married heterosexual couples. Hence, it establishes equality on the basis of sexual orientation in all social and legislative spheres, including the right to apply for adoption.

Another very important milestone that happened at the same time was when Malta, as the first European state, enshrined gender identity in its Constitution. This gives more legal weight to the prohibition of discrimination against trans persons in all spheres of life and sends a strong message to Maltese society that unfair treatment on the ground of gender identity is unacceptable.

The third development in this regard (April 2015) is the Gender Identity, Gender Expression and Sex Characteristics Act that introduced a right to gender identity by providing for amendments of gendered characteristics on all official documents and certificates, without requiring the individual to undergo any medical interventions.

Reporting discrimination is critical

An issue of concern is under reporting. In fact, the above-quoted FRA survey shows very high non-reporting rates among respondents. The most frequent reasons for not reporting incidents of discrimination were a belief that 'nothing would change', as well as a lack of knowledge about how or where to report an incident or fear of homophobic or transphobic reaction from the police.

The critical issue of under-reporting was also identified in a research study conducted by the National Commission for the Promotion of Equality (NCPE) in 2010. The study highlighted the importance of measures to empower the victim to stand up to the discrimination.

NCPE encourages persons who feel discriminated on the grounds of sexual orientation or, gender identity in employment, education and vocational training to seek assistance from NCPE and lodge a complaint with the Commission for further investigation. NCPE can provide assistance in this regard.

NCPE also provides training sessions, to students, educators, employers and others, on diversity, equality and non discrimination. Such sessions raise awareness on equality and related areas and sensitise the audience for the need of an equal environment for all individuals.

For more information, contact NCPE on 2590 3850, equality@gov.mt or on Facebook.

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