

## **International day against Homophobia and Transphobia**

Malta ranked first in ILGA-Europe's Rainbow Index for the third consecutive year, becoming a leading example for other countries to follow suit. The past couple of decades have gradually registered important progress in many parts of the world in the lives of lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ) persons. Indeed, on May 17th 1990, the World Health Organisation (WHO) made a historic step in the evolution of gay rights when "homosexuality" was removed from the list of mental illnesses thus ending more than a century of medical homophobia. Nevertheless, homophobia and transphobia – the fear, dislike and/or prejudice against LGBTIQ individuals – persist.

In Malta, the first step in the right direction for LGBTIQ equality occurred as early as 1973 when the law criminalising sodomy was repealed. Yet, there was still a long way to go to combat discrimination in practice for LGBTIQ persons. In fact, it was not until 2014, 41 years later, that a constitutional amendment, piloted by the then Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, was approved to offer protection against any type of discrimination on the basis of sexual orientation and gender identity.

This was followed by the enactment of the Civil Unions Act in 2014 granting same-sex couples in a civil union the same rights enjoyed by married heterosexual couples. This does not only reflect changes in societal concepts and practices, such as family structure and identity, but more importantly, grants rights that were once denied. By January 2018, 173 same-sex couples had contracted a civil union.<sup>1</sup> Moreover, in July 2017 the Maltese Parliament approved the *Marriage Equality Bill* that modernised marriage law through the mainstreaming of equality for all. From then on, LGBTIQ persons have been free to contract marriage with their partners and to parent children.

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<http://pq.gov.mt/PQWeb.nsf/7561f7daddf0609ac1257d1800311f18/c1257d2e0046dfa1c125821e002c00a9!OpenDocument>

A person's identity is defined on two levels, these being individual and societal. It is important for individuals to define their own identity while also being accepted within a social group and the community. In order to promote equality in terms of gender identity the *Gender Identity, Gender Expression and Sex Characteristics Act* of 2015 was enacted to allow for amendments of gendered characteristics on all official documents or certificates. It also established a positive obligation on government entities to ensure that their services safeguard equal treatment for trans individuals.<sup>2</sup> Moreover, non-binary X gender passports and ID cards are also being issued. By February 2017, 67 trans persons benefitted from this measure.<sup>3</sup> Furthermore, in 2016, Malta criminalised conversion practices by imposing fines and jail terms on those advertising, offering, performing or referring an individual to such practices.<sup>4</sup>

Additionally, in order to promote equality and combat hate speech and bullying from a young age the *Trans, Gender Variant, and Intersex Students in Schools* policy fosters diversity in schools. The policy aims to cultivate a school environment that is inclusive, safe and free from harassment and discrimination as well as promote social awareness, acceptance and respect.<sup>5</sup>

These developments are positive, progressive steps that enhance equal treatment for LGBTIQ persons, while also furthering the development of democracy in the country. The National Commission for the Promotion of Equality (NCPE) acknowledges that the implementation of such laws in practice entails an enhanced commitment to promote equal treatment and combat discriminatory attitudes in the different spheres.

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<sup>2</sup> Government of Malta, April 2015, Malta to have Europe's most comprehensive Gender Identity, Gender Expression and Sex Characteristics Act, Press Release Reference Number: PR150698

<sup>3</sup> <http://www.gov.mt/en/Government/Press%20Releases/Pages/2017/February/23/pr170450.aspx>

<sup>4</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2016, *Press Release: Another step forward in civil liberties...Malta criminalises conversion practices and depathologises sexual orientation, gender identity and gender expression.*

<sup>5</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2015, Public Consultation launch on a draft Bill that criminalises harmful conversion therapies, Press Release Reference Number: PR152855

In effect, this commitment is translated in NCPE's empowerment to investigate complaints of alleged discrimination on the grounds of sexual orientation and gender identity in employment, education and vocational training as well as by banks and financial institutions and provides the necessary assistance and information in the compilation of a complaint. NCPE also works to empower individuals through training sessions for various stakeholders to disseminate further information on equality rights and responsibilities as per its remit.

The International Day against Transphobia and Homophobia is a worldwide celebration of sexual and gender diversities that highlights the developments achieved in this sphere. This day also marks Malta's commitment to continue its work to translate such legal and policy developments in safeguarding equality in the everyday reality of LGBTI persons.

*The National Commission for the Promotion of Equality (NCPE) can be contacted on: 25903850 or [equality@gov.mt](mailto:equality@gov.mt) or our Facebook page.*