

**From:** Sophie Aujean

**Sent:** Thursday, November 27, 2014 10:33 AM

**To:** Integration at MSDC

**Subject:** Contribution to the consultation on the bill "Gender Identity, Gender Expression And Sex Characteristics Act"

Dear Ms, Mr,

Please find below ILGA-Europe's contribution to the consultation on the bill "Gender Identity, Gender Expression And Sex Characteristics Act":

ILGA-Europe, the European region of the Lesbian, Gays, Bisexuals, Trans and Intersex Association welcomes this bill on gender identity, gender expression and sex characteristics.

Across Europe, a number of new laws, referring to the grounds of gender identity and gender expression are emerging. Gender identity is referred to in two recently adopted EU directives on asylum and both gender identity and gender expression are expressly included in the 'Victim's Rights Directive'. The fact that Malta is following this trend and providing even greater recognition to the right to gender identity and gender expression is a very positive signal.

Moreover, there is not, in Europe, currently, any law protecting the ground of 'sex characteristics' against discrimination. In addition, making non-medically necessary treatment on the sex characteristics of a person without informed consent unlawful is a first, in Europe, and in the world. With this bill, Malta is therefore setting new benchmarks, in Europe, and beyond.

This bill is extremely needed, in particular, because across Europe, trans and intersex people continue to face discriminatory practices in all areas of life, and to experience harassment and violence:

1- Amongst the respondents to the Fundamental Rights Agency LGBT Survey, 30% of trans job seekers experienced discrimination when looking for a job, and trans women were the most likely to have felt discriminated against. In addition, abusive requirements in gender recognition legislation, lead to further obstacles hindering trans people from pursuing or accessing jobs.

2- Repeated stays at the hospital (resulting from often non-medically necessary cosmetic surgeries) often resulted in intersex individuals missing school when they were children and long-term impacts on physical and mental health of surgeries and hormonal treatments, often mean that intersex people have diminished capacity to work and gaps in their C.V. Furthermore, because their physical appearance does not always fit in social expectations of "femaleness" or "maleness", they are also at higher risk of discrimination and stigmatisation, at the workplace or when seeking a job.

3- The LGBT Survey 2012 found that persons whose gender expression and biological sex do not match are twice as likely as other LGBT people, to fall victim of a hate crime. Another study, from 2008, shows that 79% of trans respondents experienced harassment and violence in public. But only nine countries in the EU

protect trans people by expressly referring to gender identity in their hate crime legislation.

4- Research suggests that trans people show poorer mental and physical health, often related to social exclusion, unemployment, poverty and minority stress and accelerated by experiences of discrimination (20%) in the health care sector . Many trans people are reluctant to seek preventive healthcare. The requirement in 13 Member States of forced sterilisation in gender recognition procedures deeply infringes trans people's fundamental rights.

5- Intersex people very often, undergo surgical and hormonal treatments, without their personal, free, prior and fully informed consent. They experience difficulties when trying to access after-care following invasive surgeries. It also often happens that they cannot get access to the needed treatment or screening.

Social expectations associated to rigid gender roles are not only harmful to trans and intersex people, but for women and men as well, as they hamper individual choices and restrict people's potential. Unfortunately, trans and intersex persons' existence and struggles remain largely invisible and a large part of EU citizens (42%) remain unaware about the extent of discrimination they face. If portrayed at all, media parade trans and intersex people often in a degrading, sensationalist and ridiculing manner, that further fuels into a vicious circle of stereotype, shame, violence and exclusion. In recent years, the anti-gender movement has gained public ground in a number of EU countries (France, Slovakia, Slovenia, Czech Republic, Italy, Hungary, Poland, and to a lesser extent Germany and Spain). While it openly targets the rights of LGBTI people, it also aims more widely at reinforcing gender norms;

In this context, we would have found it useful if the area of media had been included in the scope of the bill so as to promote the benefits of gender equality and gender diversity for the society as a whole and give visibility to trans and intersex persons.

I remain at your disposal for any further information on this contribution.

Yours sincerely,

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