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Subject: Submission on the Gender Identity, Gender Expression and Sex Characteristics Act

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To whom it may concern

I welcome this opportunity to make a submission on the proposed Gender Identity, Gender Expression and Sex Characteristics Act. I am making this submission by email because I had technical difficulties using the online form.

I am a human rights consultant who specialises in the area of legal gender recognition. For example, I have authored a report, 'License to be Yourself' which was published by Open Society Foundations in May 2014 (<http://www.opensocietyfoundations.org/reports/license-be-yourself>). That report identified the key features of progressive gender recognitions laws and policies internationally.

I would like to commend the Maltese government for the proposed Gender Identity, Gender Expression and Sex Characteristics Act and its strong foundation in international human rights standards including the UN Convention on the Rights of the Child. The proposed legislation is world-leading and a model example of international good practice not only for trans and gender non-conforming people but also for addressing human rights violations against intersex people.

In particular, I would like to acknowledge the importance of the Bill's provisions for children and youth. Over the last 10 years much of my work on human rights issues for trans people has focused on the experiences of trans children, young people and their families.

I am based in New Zealand. Unlike most parts of Europe, since 1995 New Zealand has had no minimum age restriction for applications to change one's sex / gender marker on a birth certificate. However the New Zealand Family Court process is overly burdensome, can be inconsistent and is often interpreted as requiring evidence of medical procedures that may result in sterilisation. In 2013/14 these concerns were raised with the UN Human Rights Council during New Zealand's second Universal Periodic Review. Submissions advocated for a simple administrative process, based on self-defined gender identity, similar to New Zealand's very progressive 2012 passports policy ([http://www.hrc.co.nz/wp-content/uploads/2013/08/SOGII-Coalition\\_joint-UPR-submission\\_New-Zealand\\_Jan-Feb-2014-with-appendices.doc](http://www.hrc.co.nz/wp-content/uploads/2013/08/SOGII-Coalition_joint-UPR-submission_New-Zealand_Jan-Feb-2014-with-appendices.doc)).

Malta's provisions for children and young people reflect such a best practice approach. If my understanding is correct, they also enable a child's gender marker to be amended subsequent times, through the same simple administrative process. This is particularly welcome as it recognises the protection that legal gender recognition can provide when children are exploring their gender identity. It also acknowledges that children spend large

parts of their day in very regulated school environments, where an incorrect gender marker has significant impacts on not only their right to education but also their dignity, equality and security. For example, recent New Zealand research shows trans youth face high levels of bullying at school and significant health and wellbeing disparities

(<https://cdn.auckland.ac.nz/assets/fmhs/faculty/ahrg/docs/Youth12-transgender-young-people-fact-sheet.pdf> ).

Thank you for the comprehensive, evidence-based and pragmatic proposals in the Gender Identity, Gender Expression and Sex Characteristics Act. They are already being used by trans and human rights advocates in this country as the basis for discussions with political parties here.

I have noted the Maltese proposals in a number of policy briefs I am currently writing about progressive gender recognition laws internationally. I look forward to being able to cite the enacted legislation. I wish you the best in passing legislation that solidifies groundbreaking progress made in Argentina in 2012 and signals that comprehensive human rights standards must underpin gender recognition laws around the world.

Yours sincerely

Jack Byrne