GIGESC Consultation
Ministry for Social Dialogue, Consumer Affairs and Civil Liberties
Barriera Wharf,
Valletta VLT 1971
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To whom it may concern,

Here are a few aspects on the bill which my colleague and I think should be amended:

- **Invasion of privacy**: It has to be clarified that such public deeds shall not be available to the public as the whole concept of having a public deed implies that they are accessible to the public. A suggestion would be to have the option of having this procedure done by a private writing for those who feel that a public deed is invasive of their privacy, while keeping the option of public deed open.

- **Gender Register**: The whole idea of having a “Gender Register” can be considered as discriminatory. Such public deeds should not be classified under such register since this is singling out such individuals.
  
  ➔ Relevant article in the European Convention Act: This article provides that no interference by a public authority shall be made with respect to one’s private life unless it is necessary in a democratic society – We do not see this situation as being one which is required for our democratic society. On the other hand, we see it fit that such Gender Register should be removed as a necessity for this democratic society.

FIRST SCHEDULE [Article 2] Articles 2 to 18 of the Convention for the Protection of Human Rights and Fundamental Freedoms. ARTICLE 8

(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- **Definitions**: Certain definitions need to be clarified in a more in-depth manner – for instance, with regards to Article 10 concerning foreign decisions, there should be a more specific definition of what constitutes a “responsible authority”. A suggestion would be that the UK deed poll will be accepted and considered as a responsible authority since it is a recognised legal document legally binding the person that signs it.

- **Marriage**: More emphasis should be placed on the fact that once a spouse has changed sex throughout the term of marriage, that marriage will still be recognised by the State and that no separation/divorce/application for a civil union is required.

- **The removal of the category ‘gender’ on the Identification Card**: The most common use of an ID card is to verify that the cardholder is indeed who s/he claims to be. The purpose of the ID card should be to identify its holder at that point in time and not to reflect one’s status at the moment of birth. Our suggestion would be to remove the category ‘gender’/‘sex’ from one’s official identification documents, since
after all we don’t find the requirement of one’s religion, finger prints, physical attributes or marital status, thus reducing all technicalities required for the introduction of this bill in the first place and promoting equality among all genders. The truth is that these MALE or FEMALE markers – and the legal and administrative prerequisites for switching them on passports, birth certificate and other forms of identification – are a source of anxiety and even discrimination for transgender individuals. The Bill should seek to ease discomfort for those who sexual identity differs from their biological sex.

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