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To: Dalli Helena at MSDC; Camilleri Joseph B at MSDC; Baldacchino Ruth at MSDC; Agius Silvan at MSDC

Cc: Filletti Maria at NCPE; Callus Andre at NCPE

Subject: FW: Impact of Gender Identity, Gender Expression and Sex Characteristics Act

NCPE would like to commend the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties for proposing an Act on gender identity, gender expression and sex characteristics. NCPE would consider the adoption of this Act as a milestone in the strengthening of rights for transgender and intersex persons.

NCPE went through the Bill and has the following feedback:

- Article 2 makes reference to the classification of persons within a particular sex category. Here, is ‘sex category’ limited to the male/female categories, or will it be possible for persons to identify in an array of categories? Moreover, can person choose not to identify in any category at all?
- Article 6(4) and Article 9 state that access to the Gender Register and to the full act of birth is limited to persons who have attained eighteen years of age and to whom that information relates. NCPE believes that limiting this right to persons who are eighteen years of age might be too restrictive. Minors who have attained the age of fourteen should have a right to know information relating to their gender identity history, as long as they are given all the necessary support and assistance to understand the information provided.
- Article 9(2) states that an adult who changed his/her gender identity can only modify it again by a court order. What would happen if a person has his/her gender identity changed while s/he was a minor? NCPE believes that in such cases the law should be less restrictive and should allow persons to modify again their gender identity without a court order, once in adulthood.
- The wording of Articles 14(2) could be changed to “*ensure that unlawful discrimination and harassment on the basis of...*”
- The first sentence of Article 15(1) could be changed to “*It shall be unlawful..*”
- It is not clear what Article 21(a) refers to, since the words that need to be substituted are identical to the words that should be substituting them.

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