

# Labour MP to present private members' bill for Gender Identity Act

By NESTOR LAIVIERA



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Labour MP Evarist Bartolo will present a private member's bill for a Gender Identity Act drafted by the MaltaGay Rights Movement that will make it easier for transgendered individuals.

The Labour MP will be presenting a bill drafted by the Malta Gay Rights Movement, which said that according to the EU fundamental rights agency's latest annual report, transgender people in Malta and Europe face "a high degree of stigmatisation, exclusion and violence."

Presenting the proposed act, MGRM coordinator Gabi Calleja said the movement has also met with Opposition Leader Joseph Muscat, who gave Bartolo the go ahead to present the private members bill.

Calleja added that the movement is also lobbying with government in an attempt to garner support for the bill. Meetings with the Prime Minister Lawrence Gonzi and Justice and Home Affairs Minister Carmelo Mifsud Bonnici are being solicited, but "we have not received a reply as yet," Calleja said.

Speaking during the act's launch, just before its presentation in parliament as a private members' bill, Bartolo did not speculate on what support the bill would enjoy. He augured government to present the bill for discussion and urged all parliamentarians to "overcome any prejudices they might have" and discuss the bill openly and concretely.

So far, she said, the movement has only met with Education, Employment and Family Minister Dolores Cristina who only went as far as requesting a copy of the act for review. "I cannot really say whether the minister was in support of the proposed bill or not," Calleja said when asked.

Calleja went on to say the bill is intended to address this reality and facilitate the inclusion of transgender people into society. "Those trans persons, with great courage, choose to live their preferred gender identity and not the gender assigned to them at birth without having

undergone gender reassignment surgery and without changing their legal documents so they can live in coherence with the true gender.

“They do this despite the difficulties they encourage when they come out to their family, when they apply for jobs, and when they need to access services such as public transport, health services, and places such as bars and clubs,” Calleja said.

Dr Neil Falzon, formerly of the UNHCR office, who drafted the law, said the biggest problem of the current system is that it lays down a requirement that a transgendered individual seeking to change his or her sex on their birth certificate requires must have undergone gender reassignment surgery.

“Gender reassignment surgery is not standard, straightforward, or cheap,” Falzon said, “is not available in Malta, and does not fall under the national social security health care.”

Falzon described this as “unwarranted and unnecessary interference in a person’s private life and an imposition on one’s dignity,” adding that the act proposes to have this pre-requisite removed.

“Also taking into account the fact that there are people who simply do not want to undergo surgery, it is not just that transgendered individuals seeking to modify their official documents are compelled to undergo this surgery.”

Falzon explained that the proposed act would morph the process from a judicial one to an administrative one, as well as removing the pre-requisite that the individual seeking to have their birth gender changed be unmarried.

He added that the bill also proposes that any changes to one’s gender does not influence or affect any obligations a person might have as a parent. The bill also proposes a secret register of transgender people, so that the act itself does not incur legal or administrative burdens.

Falzon explained that the proposed act moves away from the ‘medical approach’ engendered by the frameworks in other countries – but embraces a contemporary ‘human rights’.