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**Statement by**

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**(Extract of the verbatim records)**

Good afternoon, distinguished President and members of the Parliamentary Assembly of the Council of Europe.

Thank you, Ms Brasseur, for inviting me, for your words of encouragement earlier today at the exhibition and for your kind hospitality.

It is my great pleasure to be here with you and to inform you about the process undertaken in Malta to address breaches of the human rights of transgender people in Europe. As I am sure many of you know, on the 1st of this month the Maltese Parliament unanimously adopted the Gender Identity, Gender Expression and Sex Characteristics Act. The Act establishes the right to gender identity for all Maltese citizens; a transparent procedure for the change of legal gender and first name for adults and minors alike; the removal of the sterilisation requirement and divorce requirement prior to the change of legal gender; and the removal of the need for any proof of medical or surgical interventions and any other requirement beyond the clear, unequivocal and informed declaration that one's gender identity does not correspond to the sex assigned at birth. The Act also provides for the recognition of the decisions of foreign countries regarding gender identity with regard to non-Maltese residents; the option for refugees to have their gender and name rectified on their official documents; the option for parents to postpone the entry of the gender marker on their children's birth certificates; the ability to change one's gender characteristics on all official documents, such as one's identification card, passport and educational certificates; the protection of the privacy of those persons who have rectified their gender and name on official documents; the introduction of a positive obligation on government entities to ensure that their services meet the objectives of the law; extended protections and legal remedies against discrimination, hate crime and hate speech; a right to bodily integrity and physical autonomy for all persons; the criminalisation of all non-medically necessary treatment relating to sex characteristics of persons without their informed consent; and provision of psychosocial counselling, support and medical interventions related to sex and gender.

The adoption of the law generated international interest. International media headlines included "Surgery and sterilisation scrapped in Malta's benchmark LGBTI law" and "World's most progressive gender identity law passes in Europe". Australia focused on the intersex aspect of the law, with the headline "Malta intersex protections spur hope for Australian reform on forced surgical intervention". Similarly emphatic and celebratory statements were issued by international civil society organisations.

Beyond the international acclaim, what fills me with the greatest joy is the positive impact on the individual lives of transgender, queer and intersex people. Individuals who could not change their documents under previous legislation had contacted me to inform me of the hardships they suffered, whether with regard to their inability to find employment, the effects of social exclusion, including loneliness, depression and poverty, or other forms of discrimination such as harassment in the street or even sexual violence. Those who came to me ranged from trans and intersex individuals to their parents and trans rights groups. Their stories were filled with suffering and sorrow, and it was clear that in all cases there was a common perpetrator – the state. The state was denying them their right to have documents reflecting their gender and name.

Now, those same people are contacting me to inform me about the process of rectifying their documents and moving on with their lives. Each meeting, e-mail or phone call represents a life that is no longer ignored or on the margins, a person who now, instead, is able to join the rest of society in striving for a better life, with fewer hurdles.

Today, as members of this Assembly, you can make history. Amnesty International estimates that there are around 1.5 million transgender people in Europe – 1.5 million people who could live better lives if governments across Europe implemented the draft resolution and introduced legislation providing for the ability to change legal gender within a human rights framework. The report authored by my friend and colleague, Deborah Schembri, shows clearly how much discrimination continues to hamper trans people's rights and quality of life, whether with regard to employment, health, housing and education, or as a result of stereotyping and transphobic prejudice, hate crimes and physical violence, or because of the absence of necessary gender-reassignment treatment and adequate gender recognition legislation.

As the draft resolution states clearly, legal gender recognition procedures must do away with any requirement for sterilisation, divorce, diagnosis of mental illness, surgical intervention or medical treatment as preconditions if they are to give justice to trans individuals. Such requirements violate the right to private and family life and to physical integrity. I understand that one has to work hard to win the hearts and minds

of people who may not be aware of the hardships faced by trans and intersex people. As the saying goes, out of sight, out of mind; but trans and intersex people exist, just like you and me. As is the case in many countries, trans people did not feature in public conversations about human rights in Malta. Indeed, in 2007 a trans woman took the denial of her right to marry to court; after exhausting domestic remedies, she had no choice but to take her case to the European Court of Human Rights. My party took on her case, and expressly included the rights of trans people in our electoral manifesto. As she declared publicly after my government reached an out-of-court settlement with her in 2013, she was always sad when she received letters from the European Court of Human Rights informing her about the progress of her case, as she loved her country but had to fight it if she was to be treated like everyone else.

In the past two years, my government has set up an LGBTIQ consultative council, composed of civil society organisations working for the rights of lesbian, gay, bisexual, trans, intersex and genderqueer people. I am grateful to the council for enriching the Act through its suggestions. Likewise, I am grateful to pan-European organisations such as TransGender Europe and ILGA-Europe for their support and their eagerness to exchange views with us about the provisions of the Act.

I am a firm believer in human rights. When it comes to lesbian, gay, bisexual, trans, intersex and genderqueer issues, everything boils down to two simple facts. Human rights are universal and indivisible, and we are all born free and equal in dignity and rights. Put differently, society will not be affording any favour or special rights to trans people through the adoption of the resolution you are considering today. Instead, you will be affirming that all individuals have a gender identity and have the right to have it respected by others. By approving the resolution you will simply be honouring our obligation as politicians to ensure that all members of society can enjoy their lives, succeed and prosper without discrimination. I am proud that Malta has turned around our national image in this policy area and that we are now seen as a beacon of light and hope. If we did it, you can do it too.