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Equality for lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ) people in the 2017 – 2022 legislative period

The landscape of LGBTIQ rights has altered significantly since the inception of the LGBTIQ Movement and particularly over the past three years which have seen Malta climb to the first place of ILGA-Europe's Rainbow Index as a gamut of legislation has been introduced.

These included the Civil Union Act granting legal recognition to same-sex couples and their children, the Gender Identity, Gender Expression and Sex Characteristics Act based on the principles of self-determination and bodily integrity and the Constitutional protections against discrimination for the grounds of sexual orientation and gender identity among others and most recently the banning of conversion practices and depathologisation of LGBTIQ identities.

We have also witnessed the introduction of important policy provisions aimed at the inclusion of trans, gender variant and intersex persons in education and correctional services. LGBTIQ NGO's have also been granted access to funding which have allowed them to develop their programmes and services in support of LGBTIQ persons, their families and friends.

Despite this progress and increasing acceptance in Maltese society, there are still gaps in legislation and policy that need to be addressed.

This manifesto sets out actions that the Maltese Parliament and Executive should take towards an ever more inclusive and just society for its LGBTIQ citizens.

Gender Identity, Gender Expression and Sex Characteristics

- Legislate and establish appropriate services and protocols to ensure access to trans specific health services through the National Health Service;
- Introduce policies and procedures that ensure that the privacy and dignity of trans and intersex persons are protected when accessing health and other services;
- Ensure that the process for the review of the intersex treatment protocols is finalised and implemented in accordance with the stipulations of the Gender Identity, Gender Expression and Sex Characteristics Act;

Education and young people

- Assign the necessary resources to ensure that LGBTIQ issues are mainstreamed throughout the education curriculum;
- Ensure that all those working in schools are adequately trained and able to ensure an inclusive and safe environment for LGBTIQ students and staff;

Leadership against prejudice

- Continue with the implementation of the 2015-2017 LGBTIQ Action Plan where measures are still outstanding;
- Commit to adopting a new LGBTIQ Action Plan for the forthcoming term;
- Review police training curricula and ensure that police are adequately trained in order that police respond appropriately to reports of hate crime by LGBTIQ victims;
- Retain Malta's commitment in support of the EU council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation and continue to advocate for an EU LGBTIQ Roadmap;
- Establish an LGBTIQ Commission that would be adequately resourced and with a clear mandate;

Equality in employment and services

- Adopt guidelines on the recognition of sex and gender to be used across the public service providing guidance to Government departments and agencies on the collection, use and amendment of sex and/or gender information in individual personal records;
- Legislate to extend anti-discrimination legislation in the provision of goods and services to the grounds of sexual orientation, gender identity, gender expression and sex characteristics also tackling intersectional discrimination;
- Assign adequate resources to implement best practices in the testing, treatment, and prevention, of HIV including widespread availability of self-testing kits, investigation of the decriminalisation of the transmission of HIV, an improved pharmaceutical and psychotherapeutic treatment regime, the introduction of free-of-charge Post Exposure Prophylaxis (PEP), the introduction of Pre-Exposure Prophylaxis (PrEP) and an intense education campaign for at-risk communities ;
- Address the lifetime ban on men who have sex with men currently enforced by the Blood Donation Unit within the National Health Service;

Equality for LGBTIQ families

- Legislate to introduce marriage equality for same-sex couples;
- Amend the Embryo Protection Act to decriminalise and allow for third party gametes donation and provide equal access to reproductive health services to individuals and couples irrespective of sexual orientation or gender identity;
- Legislate to ensure that trans and intersex persons have access to the harvesting of gametes prior to undergoing any health treatments that would render them infertile;
- Increase its efforts to ensure that third party adoption by LGBTIQ individuals and couples becomes more accessible;

arc and the MGRM are therefore requesting all political parties to reply to the following questionnaire stating their commitment to the various proposals mentioned in this manifesto.

		PL	PN	AD	PD
1	Our Party will legislate and establish appropriate services and protocols to ensure access to trans specific health services through the National Health Service by;				
a	Setting up the Gender Clinic which will serve as a focal point for health services for trans, intersex and queer persons;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
b	Ensure access to a range of hormone therapies and other trans, intersex and gender queer health services through the National Health Service;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
2	Our Party will introduce policies and procedures that ensure that the privacy and dignity of trans and intersex persons are protected when accessing health and other services;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
3	Our Party will ensure that the process for the review of the intersex treatment protocols is finalised and implemented in accordance with the stipulations of the Gender Identity, Gender Expression and Sex Characteristics Act;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
4	Our Party will assign the necessary resources to ensure that LGBTIQ issues are mainstreamed throughout the education curriculum;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
5	Our party will ensure that all those working in schools are adequately trained and able to ensure a an inclusive and safe environment for LGBTIQ students and staff;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
6	Our Party will continue with the implementation of the 2015-2017 LGBTIQ Action Plan measures where these are still outstanding;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
7	Our Party will commit to adopting a new LGBTIQ Action Plan for the forthcoming term;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
8	Our Party will review police training curricula and ensure that police are adequately trained in order that police respond appropriately to reports of hate crime by LGBTIQ victims;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
9	Our Party will retain Malta’s commitment in support of the EU council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation and continue to advocate for an EU LGBTIQ Roadmap;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> A PL government will continue to work internationally to ensure that LGBTIQ human rights are recognised by all institutions and	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Yes in principle	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

		respected by all countries.			
10	Our Party will establish an LGBTIQ Commission that would be adequately resourced and with a clear mandate;	<p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>In terms of LGBTIQ specific issues, the Labour Party will continue to support the functioning of the LGBTIQ Consultative Council to respond to the needs of the community holistically.</p>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
11	Our Party will adopt guidelines on the recognition of sex and gender to be used across the public service providing guidance to Government departments and agencies on the collection, use and amendment of sex and/or gender information in individual personal records;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
12	Our Party will legislate to extend anti-discrimination legislation in the provision of goods and services to the grounds of sexual orientation, gender identity, gender expression and sex characteristics also tackling intersectional discrimination;	<p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>Two main pieces of legislation that need to be adopted without delay are the Equality Act and the Human Rights and Equality Commission Act intended to significantly raise the human rights and equality bar in our country.</p>	<p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>This follows from our insertion in the constitution of the principle of non-discrimination.</p>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>Our party agrees that the proposed Equal Treatment Directive on these characteristics should be incorporated.</p>
13	Our Party will assign adequate resources to implement best practices in the testing, treatment, and prevention, of HIV including:				
a	widespread availability of self-testing kits	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
b	investigation of the decriminalisation of the transmission of HIV	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>Yes for unknowingly transmitting the disease but less for those transmitting the diseases knowingly – this is wilful negligence and the basis for ‘tort’ law. (ref. The Baystreet Case which involved a heterosexual and hence goes beyond LGBTIQ issues). We are</p>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>A known HIV+ person who intentionally has <u>unprotected sex</u> with another person is a criminal act, as one is ignoring their responsibility and the <u>intention</u> is to harm the well being of another person/s.</p>

			willing to discuss this.		
c	an improved pharmaceutical and psychotherapeutic treatment regime	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
d	the introduction of free-of-charge Post Exposure Prophylaxis (PEP)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
e	the introduction of Pre-Exposure Prophylaxis (PrEP)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> The NHS will determine who is at high risk and we will provide PrEP on the NHS.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
f	Intense education campaign for at-risk communities	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
14	Our Party will address the lifetime ban on men who have sex with men currently enforced by the Blood Donation Unit within the National Health Service	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> We will adopt Irish (Jan 2017) Canadian (Aug 2016), UK, Australia and New Zealand model – this allows men who have not had sex with another man for more than 12 months to donate if they meet the other blood donor selection criteria.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Blood donation is an altruistic gift which may also have public health hazards. Prior to the donation, a one-to-one confidential, voluntary and informed medical consultation is undertaken between the donor and the medical doctor. Last year Malta has registered 20 new cases of HIV which have been transmitted by unprotected anal sex except for one patient. This index indicates that Malta is in the high risk category when compared to other countries. When this risk diminishes to acceptable levels then this ban on those who practice unprotected anal sex should be removed. A continuous public awareness campaign is essential.
15	Our Party will legislate to introduce marriage equality for same-sex couples;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
16	Our Party will amend the Embryo Protection Act to decriminalise and allow for third party gametes donation and provide equal access to reproductive health services to individuals and couples irrespective of sexual orientation or gender identity;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> We are not ready to consider surrogacy at this stage.	YES <input type="checkbox"/> NO <input type="checkbox"/> The issue of gametes donation, to all types of couples or individuals, irrespective of sexual orientation or gender identity,	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Gamete donation offers a social and medical solution by third party reproduction, both for women whose male partner is

				merits a deeper and serious discussion rather than just a yes/no answer. <i>See in comments section below.</i>	infertile or in the case of a lesbian couple. In our opinion these interventions are a form of biological reproduction and altruism should dictate the service of the provider. <i>See in comments section below.</i>
17	Our Party will legislate to ensure that trans and intersex persons have access to the harvesting of gametes prior to undergoing any health treatments that would render them infertile;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Currently this service is not available for anybody but we agree that it should be made available.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
18	Our Party will increase its efforts to ensure that third party adoption by LGBTIQ individuals and couples becomes more accessible;	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> What do we mean by making it more accessible 0 under the law LGBTIQ individuals have the same rights as heterosexual couples and single persons – this will not change.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	Please list here any other rights or initiatives your party is committing to for the next legislative period:	The Labour Party commits itself to continue working tirelessly to ensure equality for all regardless of their personal characteristics. We will invest significantly in access to healthcare, human rights education, and protection against homo- and transphobic incidents.	Introduction of facilities in jail that respect LGBTIQ individuals.	The issues to consider for gametes donation, amongst others, are these: <ul style="list-style-type: none"> • What are the rights of the child born through donation? Do they have a right to know their 'story' and their genetic history – and who the donor is? • Would payment for gametes be acceptable? Or should it be an altruistic donation? And what about the choice of who to accept gamete donations from – do those 'receiving' the gametes have the choice to choose based on physical, racial or other characteristics? Or should 	Gamete provider services: <ul style="list-style-type: none"> • Sperm donation services should be offered only through licensed sperm banks or fertility clinics. • Ova donation services may be offered by women undergoing fertility treatment in clinics or recruited volunteers in fertility clinics. These services have to be subjected to stringent state legislation and professional ethics and patient's charter rights. All donors must be non-anonymous and we are not in favour of the tourist donor concept. • The interests and welfare of

				<p>donations be 'private' and directed from a friend or family member?</p> <ul style="list-style-type: none">• Would donors be expected to relinquish all legal rights and access to the child?	<p>the child must be ascertained at all costs with absolute transparency and said child has a right to know their biological parents.</p> <p>Other Provisions: Enhance and improve special divisions within our correctional facilities, respecting the needs of the LGBTIQ inmates.</p>
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