

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,657, 11 ta' Ottubru, 2016
Taqsimha C

Nru. 170

11. 10. 2016

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Helena Dalli, M.P., Ministru għad-Dialogu Soċjali, Affarijiet tal-Konsumatur u Libertajiet Ċivili, u moqri għall-Ewwel darba fis-Seduta tal-10 ta' Ottubru, 2016.

A BILL introduced by the Honourable Helena Dalli, M.P., Minister for Social Dialogue, Consumer Affairs and Civil Liberties, and read the First time at the Sitting of the 10th October, 2016.

ATT li jemenda l-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u Karatteristiċi tas-Sess, Kap. 540.

AN ACT to amend the Gender Identity, Gender Expression and Sex Characteristics Act, Cap. 540.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

Abbozz ta' Liġi msejjah

ATT li jemenda l-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u Karatteristiċi tas-Sess, Kap.540.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 biex jemenda l-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u Karatteristiċi tas-Sess, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Identità tal-Ġeneru, l-Espressjoni tal-Ġeneru u l-Karatteristiċi tas-Sess, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titotlu fil-qosor.

Kap. 540.

2. Fl-artikolu 2 tal-Att prinċipali, minnufih wara t-tifsira "espressjoni tal-ġeneru" għandha tiżdied it-tifsira ġdida li ġejja:

Emenda tal-artikolu 2 tal-Att prinċipali.

" "ġeneru megħjux" tirreferi għall-identità tal-ġeneru tal-persuna u l-espressjoni pubblika tal-istess identità matul perjodu sostnut ta' żmien;"

3. Minnufih wara l-artikolu 9 tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

Żjieda ta' artikolu ġdid mal-Att prinċipali.

C 936

"Rikonoxx-
iment tal-
identità tal-
ġeneru waqt
perjodu ta'
detenzjoni.

9A. (1) Persuna miżmuma ġewwa faċilità segregata skont il-ġeneru f'Malta tista' jkollha l-ġeneru meġhju tagħha rikonoxxut permezz ta' affidavit li jikkonferma l-istess ġeneru u l-intenzjoni tal-persuna li tkompli tgħix skont l-istess ġeneru matul il-perjodu sħiħ ta' detenzjoni.

Kap. 12.

(2) L-affidavit imsemmi fis-subartikolu (1) għandu jkun suġġett għall-proċeduri previsti fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(3) L-affidavit imsemmi fis-subartikolu (1) għandu jieqaf ikollu effett mat-tmiem tal-perjodu ta' detenzjoni."

Emenda tal-
artikolu 15 tal-
Att prinċipali.

4. L-artikolu 15 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) l-artikolu preżenti għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tal-istess artikolu; u

(b) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jiżdied is-subartikolu ġdid li ġej:

"(2) Kwalunkwe dizordni mentali li tinsab fil-lista Internazzjonali tal-Klassifikazzjoni tal-Mard jew klassifikazzjonijiet simili oħra rikonoxxuti internazzjonalment li tippatoloġizza kwalunkwe orjentazzjoni sesswali, identità tal-ġeneru u, jew espressjoni tal-ġeneru għandha tkun nulla u bla effett f'Malta. Tali nullità tal-klassifikazzjonijiet ma għandha timpatta negattivament l-ebda għoti ta' servizz tas-saħħa relatat mas-sess jew il-ġeneru."

Għanijiet u Raġunijiet

L-għan prinċipali ta' dan l-Att huwa dak illi jiżgura li d-dinjità u d-drittijiet tal-bniedem ta' persuni f'faċilitajiet ta' detenzjoni ġewwa Malta huma mħarsa u protetti permezz tal-liġi, u sabiex tafferma li l-ebda kombinazzjoni ta' orjentazzjoni sesswali, identità tal-ġeneru u, jew espressjoni tal-ġeneru ma tikkostitwixxi dizordni, defiċjenza, dizabilità, marda u, jew nuqqas.

**A Bill
entitled**

AN ACT to amend the Gender Identity, Gender Expression and Sex Characteristics Act, Cap. 540.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Gender Identity, Gender Expression and Sex Characteristics Act and other laws (Amendment) Act, 2016, and this Act shall be read and construed as one with the Gender Identity, Gender Expression and Sex Characteristics Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 540.

2. In article 2 of the principal Act, immediately after the definition "interdisciplinary team" there shall be added the following new definition:

Amendment of article 2 of the principal Act.

" "lived gender" refers to each person's gender identity and its public expression over a sustained period of time;"

3. Immediately after article 9 of the principal Act there shall be added the following new article:

Addition of a new article to the principal Act.

C 938

"Recognition
of gender
identity in
detention.

9A. (1) A person who is detained in any gender-segregated facility in Malta may have such person's gender recognised by means of an affidavit confirming such lived gender and the intention of the person to continue living according to such gender throughout the period of detention.

Cap. 12.

(2) The affidavit referred to in sub-article (1) shall be subject to the procedures set out in the Code of Organisation and Civil Procedure.

(3) The affidavit mentioned in sub-article (1) shall cease to have effect upon the expiration of the period of detention."

Amendment of
article 15 of the
principal Act.

4. Article 15 of the principal Act shall be amended as follows:

(a) the present article shall be re-numbered as sub-article (1) thereof; and

(b) immediately after sub-article (1), as re-numbered, thereof there shall be added the following new sub-article:

"(2) The pathologisation of any form of sexual orientation, gender identity and, or gender expression as may be classified under the International Classification of Diseases or any other similar internationally recognised classification, shall be null and void in Malta. The nullity of such classification shall not impact negatively the provision of any healthcare service related to sex and, or gender."

Objects and Reasons

The main object of this Bill is to ensure that the dignity and human rights of persons in detention facilities in Malta are safeguarded and protected by law, and to affirm that no particular combination of sexual orientation, gender identity and, or gender expression constitutes a disorder, disease, illness, deficiency, disability and, or shortcoming.

