

- Embargoed until April 1 7pm (CET) -



Transgender Europe Press Statement:

Malta Adopts Ground-breaking Trans and Intersex Law

April 1, 2015

Transgender Europe welcomes the adoption of the Gender Identity, Gender Expression and Sex Characteristics Act (GIGESC Bill) as a historic break-through for the rights of trans and intersex persons in Malta and Europe. The Maltese Parliament adopted the Bill on Wednesday, April 1, 2015. TGEU encourages other states to review and reform their legislation with the same aim and in this spirit. The Bill introduces a quick, transparent and accessible gender recognition procedure, based on self-determination, and foresees pro-active equality measures.

The GIGESC Bill recognizes the right of each person to their gender identity and the free development thereof. The envisioned legal gender recognition procedure fulfils the Council of Europe standards of “quick, transparent and accessible” gender recognition procedures, based on self-determination.

The introduced procedure before a notary requires a simple declaration based on a person’s self-determination and prohibits requests for medical information. The entire process lasts a maximum of 30 days. It thus delivers a key task of gender recognition that is to quickly enable the individual to pursue their life without further interference.

Application by a legal minor is regulated in analogy through a court procedure. Thus, parents or legal guardians of an underage person can apply. The best interest of the child and the views of the minor have to be given due consideration.

The Bill foresees that parents or guardians may decide to postpone the inclusion of a gender marker on the birth certificate until the child’s gender identity is determined. This has to be welcomed as it allows for time the child to make an informed decision about it.

It also regulates health care provision, prohibition of normalizing genital surgeries on intersex infants, and reform of public data collection. Moreover, measures are foreseen in areas of health, non-discrimination and criminal justice to create supportive and inclusive environments for trans and intersex persons.

“The Gender Identity, Gender Expression and Sex Characteristics Act sets a new benchmark for Europe. We are thrilled about the respectful, comprehensive and yet practical aspirations of this new Maltese act. It is firmly build on trans and intersex persons’ right to be recognized for who they are. Furthermore, the GIGESC Act creates the conditions for an equal society as it recognises and protects trans and intersex persons in all spheres of life. “ comments Aleks Recher, Transgender Europe Co-Chair and lawyer.

“Demanding sterility, divorce, a mental health diagnosis in legal gender recognition or completely lacking procedures are more and more an unacceptable thing of the past. Lawmakers in the rest of Europe should take inspiration from this trail-blazer for swift action.” adds Arja Voipio, Transgender Europe Co-Chair.

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A public consultation, three parliamentary readings and lively public debates prepared the adoption of the Bill. Both, governing and opposition parties voted for the project.

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Read the Maltese Gender Identity, Gender Expression and Sex Characteristics Act [here](#)

Learn more about TGEU's work on legal gender recognition:

tgeu.org/issues/legal-gender-recognition

Transgender Europe is a European human rights NGO working for the human rights and equality of all trans people. More Information: www.tgeu.org

Transgender or **Trans** is an umbrella term for people whose gender identity or expression differs from the sex assigned to them at birth.

TGEU Senior Policy Officer Richard Köhler is available for interviews and questions and can be reached at:

email: Richard@tgeu.org

phone: +49 (0)177 65 31 518