VERŻJONI ELETTRONIKA

I assent.

(L.S.) **MARIE-LOUISE COLEIRO PRECA**
President

9th December, 2016

ACT No. LVI of 2016

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:-

Short title.

1. The short title of this Act is the Gender Identity, Gender Expression and Sex Characteristics (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".

Cap. 540.

Amendment of article 2 of the principal Act.

2. Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "interdisciplinary team" there shall be added the following new definition:

" "lived gender" refers to each person's gender identity and its

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public expression over a sustained period of time;";

(b) in the definition of “minor”, the words “eighteen years” shall be substituted by the words “sixteen years”; and

(c) in the English version only, the words “and/or” shall be substituted by the words “and, or” wherever they are found.

Amendment of article 9 of the principal Act.

3. In sub-article (1) of article 9 of the principal Act, the word "recognized" shall be substituted by the word "recognised".

Addition of a new article to the principal Act.

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

"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.

(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.

Cap. 12.

(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.

5. 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.".

VERŻJONI ELETTRONIKA

A 1884

Passed by the House of Representatives at Sitting No. 458 of the 5th December, 2016.

ĊENSU GALEA
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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