

## **What makes an individual socially excluded? Different perspectives and exchange of best practices**

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Good morning,

As you would expect, as a policy maker I tend to look at reality somewhat differently than say, a researcher or an academic.

Indeed, the biggest interest of my work does not lay in the current reality, the ‘What is?’

Rather, I’m interested into what change can be effected to address the problems that are identified with the current reality in such a way as to create the space for social inclusion, be it through hard legal measures or softer policy measures, as the case may require.

The question that I pose myself is therefore, ‘What can make an individual socially included?’

In turning the question around, I remember fondly the memory of a colleague who used to say, ‘There are no problems, only solutions.’

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To make my presentation more concrete, I shall make reference to the work that Human Rights and Integration Directorate (which I lead) has contributed towards within the Ministry of Social Dialogue, Consumer Affairs and Civil Liberties here in Malta.

In doing so, I shall address two main policy areas that we are dealing with and for which to date we have different results:

- the first area relates to the equality and inclusion of lesbian, gay, bisexual, trans, intersex and genderqueer persons,
- while the second area relates to the integration of migrants within the Maltese social fabric.

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So let’s start with the work that has gone into the inclusion of LGBTIQ persons in this country.

To give you some context, divorce of married heterosexual couples was not legally possible until 2011.

A referendum was held that year precisely to address the question as to whether it should be introduced or not, with slightly more than 53% of the electorate saying ‘Yes’.

While this result would hardly be considered ground-breaking anywhere else in Europe, it provided the LGBTIQ community with an opportunity to ask for recognition.

This is because their demands for greater freedom and legal recognition were consistent with the mood of change created by the outcome of that referendum.

LGBTIQ issues featured prominently during the electoral campaign that ensued the following year, and unsurprisingly the new government started implementing change in this area immediately after taking office.

This alone validated the position of LGBTIQ people in the country, as their voice was no longer restricted to society's fringes, but had moved to the central arena.

Indeed, the Minister for Civil Liberties set up the LGBTIQ Consultative Council shortly after taking office.

This structure consists of representatives of all LGBTIQ civil society organisations operative in Malta including the respective branches of political parties, and Christian organisations of LGBTIQ people and their parents.

It develops legislative proposals as well as policy proposals which are then passed on to government for consideration.

This is how the Civil Unions Bill was formulated and why the resulting institution is so closely tied to marriage in all but name.

The Bill was enacted in April 2014, and on the same night parliament voted on another Bill which included the grounds of sexual orientation and gender identity in our national Constitution's anti-discrimination article.

Needless to say, that was a watershed moment for the LGBTIQ community in Malta, and a spontaneous party erupted in front of parliament with several thousand people celebrating the achievement.

Progress did not stop there, as the Council immediately started working on a law to recognise trans, intersex and gender-variant persons.

As this Bill was being developed, existing models that had worked for other countries were studied closely and discussions were held with such organisations as Transgender Europe and the European chapter of the International Intersex Organisation.

This partnership proved most useful, as with every conversation that was had, we were able to improve the scope of the proposed Bill.

Following these efforts, in April 2015, the Gender Identity, Gender Expression and Sex Characteristics Act was adopted with the support of both sides of the House.

Through this law, all persons are now able to change their name and align their gender on official documents following a simple notarial declaration, which changes cannot take any longer than the legally prescribed maximum of 30 days to take effect.

Maltese law also provides protection to all persons against unnecessary, unconsented and uninformed medical and surgical interventions on their sex characteristics; and social or cultural factors for such interventions are strictly banned.

Government has subsequently introduced school and prison policies for trans, intersex and gender-variant people, addressing a range of issues that are relevant to this cohort in those institutions.

At the end of 2016 then, Government introduced a law affirming all sexual orientations, gender identities and gender expressions as equally valid, and banned so-called ‘conversion practices’.

Through a parallel law, sexual orientation, gender identity and gender expression were depathologised across the board.

In the coming weeks, Identity Malta will be rolling out passports and ID Cards that allow persons to choose a gender marker beyond the binary, and instead of an ‘M’ or an ‘F’ opt for ‘X’.

All of this has contributed to a huge change in the social inclusion of LGBTIQ persons in Malta.

Indeed, the vast majority of the Maltese have moved on to embrace this new reality, as the Eurobarometer survey on discrimination has shown, with more than 65% favouring marriage equality, and more than 85% supporting gender recognition legislation (constituting a 17% rise over two years prior).

Furthermore, these legislative and policy developments have not only permitted same-sex couples to have their couples recognised by law, and trans persons to rectify their birth certificates and all corresponding documents.

Instead, they opened the space for the LGBTIQ community to live freely and openly in society without fear of reprisal or direct discrimination.

And that is what makes this a social inclusion success story.

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Migrant integration has been a different ball game though.

Firstly, for many years since the first sustained migration flows to Malta around 15 years ago, the idea was that the country was only going to serve as a stopover rather than a country of final destination.

This meant that integration efforts were limited, often to the teaching of the English language as a tool that would open doors in another country.

Further to this, the benefits of the divorce referendum did not seem to extend to migrants and their inclusion in Maltese society.

This said, over the past years some efforts were still invested in this sector by Government, not least with:

- the setting up of my Directorate as a new structure that is meant to develop and implement the national integration strategy,
- the setting up of a similar structure to the LGBTIQ Consultative Council named Forum for Integration Affairs, bringing together representatives of migrant organisations to discuss their problems and try and identify common solutions, and
- the setting up of a Unit for migrant learners within the Ministry of Education, intended to ease the entry and integration of migrant children into the school environment.

A major difference in this area seems to be that unlike with LGBTIQ issues change cannot be brought about through legislative progress.

Instead, we need to focus our attention on various sectors such as access to education and employment, instruction of the Maltese and English language through adult education programmes, cultural orientation classes, and most of all the creation of spaces for mixing and interaction between migrants and Maltese persons.

Research that we carried out indicates that those that are most opposed to the integration of migrants are those that have the least interaction with them.

On the other hand, those that want to see greater efforts done by government to ensure that such an integration takes place are the ones that tend to meet migrants on a regular basis, and possibly share the workplace with them.

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And that is perhaps the most significant point of my presentation. We need to create the spaces for alternative narratives to false assumptions such as:

- ‘LGBTIQ = perversion = destruction of our traditions’ or
- ‘migrants = problem = taking over our country’.

Diversity is our strength as Europeans, and that diversity is not limited to us speaking different tongues, but rather, that we all have different facets to our personality and the role of politicians and policy makers in this field is that of ensuring that we can all thrive free from discrimination for our benefit and that of society as a whole.

Thank you.