



**LGBT
Discrimination
Research Report**
Qualitative Study

**THINK
EQUAL**



LGBT Discrimination Research Report

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Compiled by: Weave Consulting

Researchers: Ms. Gabi Calleja, Dr. Charmaine Cristiano Grech, Dr.
Roberta Lepre, Dr. Roselyn Knight and Dr. Marceline Naudi

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E-mail: equality@gov.mt

Tel: 25903850

Address: National Commission for the Promotion of Equality (NCPE),
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Foreword

The project Think Equal VS/2010/0569 was designed to stimulate debate on equality, diversity and multiple discrimination; enhance and promote a shared understanding of equality, non-discrimination, diversity and multiple discrimination; disseminate good practices; sensitise, train and empower youths to welcome and live diversity, as well as compile data upon which legislation, policy and action plans may be designed. The project targeted youths, professionals and academics having a role of influence of their potential multiplier effect and also included qualitative and quantitative studies on discrimination as well as the production of tools related to discrimination.

To this end, one of the qualitative studies being carried out as part of Think Equal is the present study, which was aimed at studying discrimination experienced by LGBT persons in schools and educational or vocational institutions, and

in the access to and supply of goods and services. The objective of this research was to identify the nature and extent of the discrimination experienced, the perpetrators of such discrimination, and the deficiencies of the measures of redress, policies and structures that are currently available.

Qualitative studies such as the present study are required to ensure that drafters of laws, policies and actions are made aware of the discriminatory behaviour that needs to be addressed. Thus, this report aims at providing a basis on which policies may be developed and measures of redress established.

A special thanks goes to the key expert and the researchers involved in this research, as well as the NCPE staff who worked on this project.

Dr Romina Bartolo LL.D.,
MJuris (EU Law)
Executive Director, NCPE
November 2011

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Introduction

This research study focusing on discrimination experienced by lesbian, gay, bisexual and transgender (LGBT) persons was commissioned by the National Commission for the Promotion of Equality as part of the project 'Think Equal'. The overall objectives of this project are as follows:

- To stimulate debate on equality, diversity and multiple discrimination within sections of society that offer a multiplier effect;
- To enhance and promote a shared understanding of equality, non-discrimination, diversity and multiple discrimination;
- To disseminate good practices;
- To sensitise, train and empower youths to welcome and live diversity;
- To compile data through the use of quantitative surveys assessing the perception of and readiness towards diversity of youths and of public employees;
- To compile data through the use of qualitative surveys identifying the extent, nature and areas within which discrimination is experienced by LGBT persons and racial groups; and
- To provide – through studies and surveys – data upon which legislation, policy and action plans may be designed.

This qualitative data is being sought in order to identify real experiences of LGBT persons in Malta, the gaps in existing provisions and to ensure the effectiveness of equality mainstreaming initiatives aimed at these groups.

The study is particularly relevant in view of the fact that the 'Voice for all' Research carried out by the NCPE in 2010-2011 indicates that *'...the basis of discrimination perceived as being the most widespread among participants is that in relation to sexual orientation with 61.7% of the participants indicating this as their answer. This is closely followed by discrimination on the basis of race with 59%.'*

Hence, this qualitative study involving 25 interviews considers the LGBT minorities in Malta and seeks to identify the nature and extent of sexual orientation and gender identity discrimination in employment, in access to, and supply of, goods and services, and also in contact with the authorities. The aim of this study is to identify the nature and extent of the discrimination experienced and potential defects in current systems, laws, policies and structures, as identified through: the difficulties faced by the respondents as reported in the empirical study; the reports and documents referred to in the literature review; and consultation with relevant stakeholders in the field.

An executive summary outlining the main findings and ensuing recommendations follows this introduction. In the next chapter a literature review will set the scene through the delineation of the situation as assessed through various International, European and local reports and documents. This is followed by a detailed presentation of the findings. A discussion and analysis of the empirical study follow, after which one finds the recommendations. The methodology used in the study, as well as the interview guide are annexed.

Executive Summary

The study incorporated 25 interviews with LGBT individuals between the ages of 18 and 65. The main findings indicate that:

- 60% (15) of the interviewees reported incidents of discrimination in the field of employment despite the Equal Treatment in Employment Regulations¹ addressing discrimination on the basis of sexual orientation in employment in force since 2004.
- The limitations in current procedures allowing for transgender persons to change the name and gender annotation on official documents exposed trans individuals to harassment and discrimination in all spheres of life including access to employment, housing, healthcare and goods and services.
- Being in a same-sex relationship increases the likelihood of harassment and discrimination in the fields of housing, healthcare, social security benefits, access to and provision of goods and services and in enjoyment of public spaces.
- 72% (18) of interviewees were aware of the existence of legislative provisions in the area of employment. However only 44% (11) were aware that this protection did not extend to other areas.
- LGBT employees experience derogatory name calling, homophobic language and inappropriate jokes that could also escalate to the level of slander, threats and intimidation often triggered by gender non-conforming behaviour such as behaviour or clothing judged to be effeminate for males or masculine for females.
- Being out at the workplace remains problematic as this could lead to discrimination by clients, colleagues and employers.

¹ Subsidiary Legislation 425 95

- Working in a family business or on self-employed basis offered a greater level of protection from discrimination.
- Hearing gay affirmative language in reference to friends or other gay colleagues at the workplace served as a marker on the safety of being out.
- 32% (8) of interviewees experienced discrimination in the field of housing.
- Heteronormative assumptions by service providers in the housing sector are problematic for LGBT individuals.
- LGBT individuals were victims of harassment and discrimination in their homes and neighbourhoods.
- The lifetime deferral in blood donation imposed on men who have sex with men was the most common discrimination referred to by interviewees and was viewed as the stigmatising of gay men.
- The lack of legal recognition of same-sex partnerships lead to discrimination in the fields of healthcare, housing and provision of goods and services.
- 56% (14) of interviewees had experiences of homophobic and transphobic bullying in educational institutions – primarily primary and secondary schools.
- Use of homophobic language and being ostracised were the most commonly reported forms of bullying.
- While teachers were generally not identified as perpetrators of bullying they failed to intervene to protect the victim and did not include LGBT issues in the curriculum.
- 16% (4) interviewees reported discriminatory treatment by police officers and prison wardens.

- 20% (5) of interviewees identified harassment and abuse by family members due to sexual orientation or gender identity. Incidents included ridicule, homophobic/transphobic language, beating and stalking.
- LGBT victims of discrimination were more likely to resort to private lawyers (44%) and MGRM (24%) in the eventuality of a claim.
- 72% (18) of interviewees were aware of the existence of DIER and 60% (15) were aware of the NCPE although not necessarily understanding their function.

The above findings point towards the need to introduce a number of measures that can alleviate the discrimination that continues to be faced by LGBT persons because of the sexual orientation and gender identity. These include:

- addressing the level of inequality that exists in legal provision among the various grounds of discrimination in the supply and provision of goods and services thus eliminating the hierarchy of rights currently in place
- extending the scope of current gender equality legislation to comprehensively cover discrimination on the grounds of gender identity and gender expression;
- facilitating expeditious, accessible and transparent procedures for the legal recognition of a transgender person's preferred name and gender on birth certificates, passports, ID cards, educational certificates and other similar documents;
- extending the remit of NCPE to include sexual orientation, gender identity and gender expression and assign adequate resources for it to be able to effectively carry out its mandate;

- ratifying as soon as possible Protocol 12 to the European Convention on Human Rights and Fundamental Freedoms. This Protocol provides for a general ban on discrimination, on any ground, by any public authority;



- providing adequate and appropriate training to the legal profession who were identified as the main avenue of support in event of a claim;

- adopting an equality policy for schools that specifically mentions and addresses homophobic and transphobic bullying in primary and secondary schools;

- creating better liaison between equality bodies, law enforcement agencies and relevant NGO's to ensure that such law enforcement agencies fully understand their duties emanating from Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings;

- initiating a debate on the possibility of legal recognition of same sex couples, in order to determine whether to extend benefits to such persons that are currently only available to married couples;

- granting same-sex couples and LGBT individuals, in compliance with the principle of the best interests of the child, similar opportunities as other applicants to be considered without discrimination as adoptive parents for a child.

further increased the drive towards a more equal and inclusive society. Unfortunately not all grounds of discrimination are protected by an Equality Commission. The grounds of religion or belief, age and sexual orientation do not fall within the remit of an Equality Commission and thus it is up to NGOs to lobby for anti-discrimination and better inclusion of these groups. Additionally there are no policies adopted by Government for the inclusion of LGBT individuals and/or for mainstreaming equality.

As stated in the report 'Voice for All – Research Report' 'The issue of sexual orientation is still a somewhat taboo subject in Malta, where religious beliefs still exude a strong moral, and legislative, authority. In fact, the discussion on Lesbian, Gay, Bi-sexual, and Transgender (LGBT) rights is often cast under the light of sexual deviance rather than human rights. Authorities often appear unwilling to participate in the discussion on LGBT rights, regularly expressing their reservations on the issue, and neither of the two main political parties place LGBT issues high on their agenda during the 2008 electoral campaign.'²

Literature Review

Introduction

The last few years have seen a change in legislation which protects vulnerable individuals from discrimination. Since Malta's accession to the European Union in 2004 a number of Council Directives protecting individuals from discrimination have been transposed into Maltese legislation. Together with these legislative changes, the establishment of two Equality Commissions, the National Commission for the Promotion of Equality which has within its remit gender discrimination and also racial discrimination in access to goods and services as well as the National Commission for Disability, has

Legislation at a European Level

The Council Directives

In 2000 two main Directives in the field of equality were adopted. Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation lays down its purpose in Article 1 which states: *The purpose of this Directive is to lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation, with a view to putting into effect in the Member*

² National Commission for the Promotion of Equality (NCPE); Voice for all Research Report (Voice For All Project, Malta 2008/2009)



States the principle of equal treatment. Presently there is no Directive in force protecting from discrimination on the grounds of religion or belief, age, sexual orientation and disability outside of the field of employment. In 2008 the Commission presented a proposal for the adoption of Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. This draft Directive is known as the 'Horizontal Directive'³ and its aim is to extend protection on the afore-mentioned grounds to the area of accessing goods and services.

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

The ECHR was adopted by the Council of Europe member states in order to realise the aims of the Council of Europe, namely to promote the rule of law, democracy, human rights and social development. The ECHR legally binds its members to guarantee a list of human rights to everyone within their jurisdiction. The European Court of Human Rights, situated in Strasbourg reviews the implementation of the ECHR.

The ECHR goes beyond the list of protected grounds listed in the Directives. Article 14 of the ECHR, which prohibits discrimination, states that:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The European Court of Human Rights has interpreted the category of 'other status' to include those grounds that are expressly protected by the non-discrimination directives, which are disability, age and sexual orientation.

The EU Charter of Fundamental Rights

Article 21 of the EU Charter of Fundamental Rights also prohibits discrimination. The EU Charter of Fundamental Rights, apart from binding the institutions of the European Union also applies to Member States when the latter are applying and interpreting EU Law. Article 21 of this Charter states the following:

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Maltese Legislation

The Constitution of Malta which is the supreme law of the land deals with discriminatory treatment in Article 45. Discrimination based on sexual orientation is not dealt with under this provision.

The Equal Treatment in Employment Regulations deal with discrimination on the basis of sexual orientation in employment. Regulation 1 (4) states the applicability of these Regulations:

These regulations shall be applicable to all persons in relation to:
(a) conditions for access to employment, including the advertising of opportunities for employment, selection criteria and recruitment conditions, whatever the branch of

activity and at all levels of the professional hierarchy, including promotions;
(b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
(c) employment and conditions of employment, including remuneration and dismissals;
(d) membership of, and involvement in, any organization of employees and employers, or any organization whose members carry on a particular profession, including the benefits provided for by such organizations.

The Temporary Agency Workers Regulations⁵ also prohibit discrimination on the grounds of sexual orientation.

Article 16K of the Broadcasting Act (Chapter 350 of the Laws of Malta) states that audiovisual commercial communications shall not include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.

There is no specific law in Malta protecting LGB persons from discrimination based on sexual orientation in education and/or vocational training and in access to goods and services, however Regulation 68 I (1) of The Passenger Transport Services Regulations⁶ does afford protection from discrimination based on sexual orientation in the public transport sector.

³ *Ibid.*

⁴ Subsidiary Legislation 452.95

⁵ Subsidiary Legislation 452.106

⁶ Subsidiary Legislation 499.56

Research and Data

The aim of this literature review is to examine and gather knowledge about the nature and extent of discrimination faced by LGBT people and to highlight good practices in order to highlight positive action taken by other Member States and/or by NGOs. Literature was chosen on the basis of the relevance it has to the issues being examined in this report. In 2008 a wide ranging Eurobarometer study was carried out to measure the awareness, perceptions, experiences and attitudes of the Union's citizens in regard to the awareness on the 2007-European Year of Equal Opportunities for All; perceived extent of discrimination in the areas of housing, healthcare, education and when buying products, insurance policies or when using services; personal experience of discrimination and support for national legislation against discrimination. According to this study:

A third (31%) of EU citizens feel that there is very or fairly widespread discrimination on the grounds of sexual orientation in the housing sector; a quarter (26%) see that in the educational system; 22% when buying products or services; 14% in the healthcare system and 13% when buying insurance policies.⁷

According to this Eurobarometer study Less than one-fifth of EU citizens (between 8% and 19%) say that they (or their families and friends) have been personally discriminated against on the basis of religion or belief, disability, age, sexual orientation, gender, race and ethnic origin, or a combination of any of these factors.

When asked about the grounds for such discrimination, respondents most often mention race or ethnic origin (19%), then age and a combination of factors (both 16%), followed by gender and disability (both 14%) and religion or

belief (11%). Sexual orientation (with only 8%) is the factor that is mentioned the least as the reason for a respondent's personal experience of discrimination.⁸

Discrimination in Employment

In a study conducted by the MGRM between 2006 and 2008, 86.6% of respondents who were in employment or looking for a job in the last two years stated that they did not suffer any discrimination in the form of refusal of employment or promotion, dismissal or excessive demands relative to other employees. On the other hand, 13.4% know or suspect that they were subjected to discrimination with 5.6% being refused employment, 1.8% being denied a promotion, 4.5% being dismissed, and 5.6% facing higher expectations when compared to other employees. These respondents believe that this discrimination was due to their being known or suspected to be lesbian, gay, bisexual or transgender.

Moreover, a number of respondents stated that they were not out with their colleagues or at least were not out with all their colleagues. This report states that respondents having a higher level of education were less prone to discrimination and tended to be more open about their sexual orientation and/or gender identity at the workplace.

Comparisons of the degree of concealment of sexual orientation at the workplace reported in the two surveys carried out by MGRM indicate that lesbians, gay men and bisexual persons have become generally less open about their sexual orientation at the workplace over the past six years.

In a report by the Fundamental Rights Agency⁹ it is stated that according to

research conducted in many Member States, where individuals are open about their sexual orientation or gender identity at the workplace they suffer harassment from their colleagues and are excluded from social activities. Furthermore, employers treat these individuals less favourably in promotions, training or requests for holidays.

A report published by the Council of Europe¹⁰ states that LGB employees may suffer discrimination in that they may experience the denial of benefits offered to heterosexual colleagues and their spouses. These benefits can include parental leave, health care insurance for employees and their families, bereavement leave or leave to take care of a sick partner and survivor's benefits in occupational pension schemes. This report also points out that LGBT persons who are out at work can experience harassment in the form of sexually explicit remarks intended to embarrass or ridicule. Furthermore, it is also pointed out that discrimination in employment is highly underreported with many countries not even compiling any statistics.

According to this report between 2005 and 2010 only a handful of employment discrimination cases were brought to court or to equality bodies in at least 21 Council of Europe member states. Reference is made to a report by ILGA-Europe¹¹ whereby it is suggested that homophobic and transphobic attitudes often prevail as employers tend not to tackle a subject which is considered as a difficult one to tackle.

The above cited report by ILGA-Europe also highlights LGB tendency not to come out at work for fear of not being accepted. Furthermore this report also draws attention to the stereotypes faced by LGB people at the workplace and the assumption that LGB workers are not 'suited' to particular types of jobs. Additionally, this report reinforces the fact that:

⁷ Flash Eurobarometer; *Discrimination in the European Union Perceptions and experiences of discrimination in the areas of housing, healthcare education, and when buying products or using services.*; 2008

⁸ *Ibid.*

⁹ European Union Fundamental Rights Agency; *Homophobia, Transphobia and Discrimination on grounds of sexual orientation and gender identity in the EU Member States*; 2011

¹⁰ Council of Europe; *Discrimination on grounds of sexual orientation and gender identity in Europe*; June 2011

¹¹ Quinn S. and Paradis E., 'Going beyond the law: promoting equality in employment', ILGA-Europe Brussels, 2007

"In the case of LGB people, deciding to take a case can be particularly problematic because of fears of being out and the potential they face, therefore, of exacerbating their problems at work. They run the risk of not gaining the support of co-workers because of homophobia."

As part of the project ESF 60 Inclusion of transgender persons in the labour market, the MGRM carried out studies with trans individuals as well as research with employers to examine their attitudes and perceptions towards trans individuals. The remit of this present study does not cover trans issues in employment thus this research will not be examined in this literature review.

Good practice in Employment

The above cited study by MGRM states that the introduction of equality legislation in 2003 did not have the desired impact, since, according to this study, the relevant legislative provisions were not backed by mechanisms that facilitate actions by victims of discrimination. The major stumbling block identified by this report lies in the fact that currently redress lies only to the Industrial Tribunal and in order to lodge a case one would thus have to publicly disclose one's sexual orientation. This report suggests widening the remit of the National Commission for the Promotion of Equality to include sexual orientation and facilitating access to redress to victims of discrimination.

According to the above cited report by ILGA-Europe progress on promoting equality at the workplace for LGB persons

has been slow due to a number of reasons. Some of the reasons cited by this report include lack of resources, different priorities and in most cases ignorance.¹²

A study carried out by Stonewall shows a good business sense in employing LGB individuals.

"Staff who can be open about their sexuality at work are more likely to enjoy going to work, feel able to be themselves, form honest relationships with their colleagues, are more confident, and ultimately more productive. Lesbian and gay equality at work evidently makes good business sense."¹³

This study interviewed a number of gay men and lesbians who gave a first hand account of what they would like in their employer. One of the issues which came of this report include the fact that an inclusive work place makes lesbians and gays more open to applying for a job within that particular place. Participants in this research stated that they assess the inclusivity of a particular workplace in a job interview, with some saying that they would not accept a job in a place where they felt that they could not be out. Participants working in an inclusive environment where they were out about their sexual orientation made workers more committed and loyal to their job. It was also pointed out that in organizations where career progression depends on social networks participants who are not out feel that they cannot fully access these networks thus negatively impacting on their possible career progression. Some participants stated that the establishment of an employee network group for lesbian and gay staff was

evidence of their employer's commitment to creating an inclusive environment and that it was safe for them to be out at work. Having senior management publicly support LGBT rights as well as having role models in senior positions also increases inclusivity. Organizations which used mentors also helped participants gain confidence in coming out at work. Participants also identified a true commitment to equality in those organizations which took harassment and discrimination seriously in that employees who had a problem with their colleagues being gay would be questioned and if they continued, would be eventually asked to leave.

It is also important to have policies in place. The above cited report states the following:

The school environment of LGBT youth is often described as a "strictly heteronormative space" that force them to hide their feelings and sexuality.

"Inclusive policies signal an employer's commitment to creating a safe and supportive environment for lesbian and gay staff. Employers should:

- *audit all new and existing policies to ensure they are inclusive of lesbian and gay employees*

¹² *Ibid.*

¹³ *Guasp A. and Balfour J., Peak Performance Gay People and Productivity, 2008*

- use language that explicitly communicates equality, diversity and benefit policies as inclusive of lesbian and gay staff and promote these.”

This report goes on to state the following:

“Work on lesbian and gay equality should be embedded throughout the organisation. Employers should:

- have a diversity team whose remit includes lesbian and gay equality, however also ensure board level, senior and line management and all other staff are involved in the work of the diversity team

- have an organisation-wide equality and diversity strategy that links lesbian and gay equality and diversity to wider organisational aims, objectives and outputs.”

Discrimination in Education

According to the previously cited Flash Eurobarometer Study on Discrimination in the EU, a quarter of EU citizens (26%) think that discrimination on the grounds of sexual orientation is very or fairly widespread in schools, but almost two-thirds (63%) consider it to be very or fairly rare. On the other hand, the majority of the Maltese respondents feel that discrimination based on sexual orientation is very rare (50%) in schools.

According to a study carried out by the Malta Gay Rights Movement between 2006 and 2008 and published in 2009¹⁴, 30.2% of the respondents who had attended school or University in the past two years felt that they could be open about their sexuality. 78.6% of those who concealed their sexual orientation and/or gender identity did so from teachers (compared to 73.8% who did so from other students). This indicates that LGBT students feel that teachers are not

sympathetic to them. Most LGBT teachers are themselves not open at work which results in a lack of role models for LGBT students. This lack of understanding further translates in bullying and/or harassment going unreported by victims.

In 2007 the MGRM had proposed to conduct a survey on homophobic bullying in educational institutions but support was not forthcoming, either from the Ministry for Education or from Church Institutions which run church schools.¹⁵

Emily Baldacchino conducted a study on LGBT issues in Secondary and Post-Secondary Schools in Malta¹⁶ found that there are no specific policies in place to support staff in dealing with LGBT issues. No training in dealing with LGBT issues had been provided to staff. Baldacchino, quoting Lehtonen states the following:

“The school environment of LGBT youth is often described as a “strictly heteronormative space” that forces them to hide their feelings and sexuality. A Finnish study points out that school space “enforces gendered groupings and sexualises the oppositional norms and spaces of girls and boys, while concurrently discouraging sexual and loving emotional and physical interactions between persons of their same gender” (Lehtonen 1993:103).’

Furthermore, this report points out the social marginalisation suffered by LGBT youth. In addition to social marginalisation, British and Flemish studies have pointed out the prevalence of at-school victimisation. A Flemish survey with 1562 LGB youth revealed that almost half had suffered teasing, ridiculing, name calling, isolation and to a lesser extent physical pain and fear. In another study conducted by Stonewall in 1996 with 4200 gay and lesbian adults from the UK, it was found that 40% of all violent attacks on lesbians and gays under 18 took place at school.

This is particularly relevant in the context of another study conducted in Northern Ireland with 190 young gay men. This study highlighted that negative experiences relating to sexual orientation at school impacted on suicide and self-harm. Additionally, these negative experiences also had a bearing on absenteeism and truancy, lower result achievement and leaving school early and/or dropping out (McNamee 2006). Another research study cited by Takacs, conducted by the National Centre for Social Research, points out the importance of having LGBT teachers being open about their sexual or gender identity. This study states that until this happens it is very unlikely pupils will be positive towards LGBT people.¹⁷

ILGA-Europe and IGLYO conducted an original survey research study both with individuals as well as with European – mainly LGBT – organisations. This research did not focus only on education but focused on the main areas where young LGBT people can and often do encounter discrimination, that is: family, school, peer group, religious and other community life and media.

The main finding of this study is that young LGBT encounter serious trouble with the main agents of socialisation, i.e. the family, school, peer group and media. Furthermore, family and school seem to be the social contexts where it is most problematic for LGBT youth to fit in.¹⁸ According to this survey, school is the environment whereby most LGBT persons experience prejudice and/or discrimination. Some respondent victims of bullying saw their only way out as dropping out of school which Takacs rightly comments, significantly reduces the chances of any young person’s successful social integration later in life.¹⁹

¹⁴ LGBT Discrimination in Malta. A survey on sexual orientation and gender identity discrimination against lesbian, gay, bisexual and trans gender persons on Malta, 2006 - 2008

¹⁵ Ibid.

¹⁶ Baldacchino E., ‘Breaking the Silence. LGBT Policies and Attitudes in Maltese Secondary and Post-Secondary Schools’, Dissertation submitted in part fulfillment of the B.A. (Hons.) Social Policy, University of Malta, 2009

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

14% of respondents who had negative experiences at school cited teachers as being the source of part of their problem. In addition to these shortcomings, in a few occasions, respondents referred to homophobia operating on an institutional level which gave the impression that heterosexism was part of the school policy. Respondents also referred to a lack of openly LGBT teachers who can be potential role models for LGBT students which was perceived to indicate a general problem of acceptance.

In a research report compiled by Gill Valentine and Nicola Wood²⁰, reference is made to research undertaken by the Equality Challenge Unit in the United Kingdom. A noteworthy observation is that, contrary to other public sectors, the LGBT population of staff and students in higher education in England, Wales and Northern Ireland, where this study was undertaken, is currently unknown because no national data is collected about sexual orientation. On the other hand, such data is gathered in relation to the other grounds of discrimination, namely: age, disability, ethnicity, and gender. No data is gathered in relation to religion and belief either.

This research found that Higher Education Institutions are mainly a positive space in the lives of the majority of LGBT undergraduate students. This is attributed to the fact that universities and colleges give young people the space to define their own sexual identities away from the childhood contexts of school and family life where many have encountered homophobia. The majority of the LGBT respondents (90%) were out to their peers, however they did not extend this to their tutors, lecturers and to accommodation staff. LGBT students said that they had received significant levels of negative treatment on the grounds of their sexual orientation from fellow students (49.5 per cent), tutors/lecturers (10.4 per cent), and those who work in other areas of their Higher Education Institution (10.6 per cent)²¹.

This study also goes into the experiences of LGBT staff in Higher Educational Institutions. The Equality Challenge Unit survey which was used for the purposes of compiling the above-cited reports, found that only 38.6% of the respondents were out to everyone. The main three reasons for this were reported as follows:

*concerns about employment security and discrimination; teaching and pastoral related fears that students might respond in homophobic ways to disclosure; and anxieties that an LGBT identity might compromise respondents' research agendas*²²

Furthermore, LGBT staff reported significant levels of negative treatment on the grounds of their sexual orientation from all their peers at the Higher Educational Institutions. This negative treatment included systematic institutional discrimination and implicit discrimination in relation to promotions, discretionary pay rises and redundancies. Additionally, LGBT staff also reported exclusion from social networks which could impact their professional development due to the fact that these networks can provide informal occasions for consultation, information about work related opportunities, and the development of research networks.

Although Higher Education Institutions are conscious of a growing need to promote and foster equality, this is not so in the case of LGBT students and staff. On the contrary the authors identify 'examples such as the selection of chancellors and the award of honorary degrees to individuals who have publicly expressed homophobic views, were regarded by some of the research participants as evidence of the implicit endorsement of homophobia by particular institutions.'

Additionally, over a third of LGBT staff interviewed were not aware of equality policies at their institution which addresses discrimination on the grounds of sexual

orientation. Nearly half of the respondents stated that they were unaware whether there was a support procedure to report homophobic harassment/discrimination in their institution and 63% were unaware of a support procedure for reporting homophobic harassment/discrimination.

Good practice in education

A number of studies have been published with guidelines on making schools safer for LGBT students and how to combat homophobia.

The MGRM in its report 'LGBT Discrimination in Malta. A survey on sexual orientation and gender identity discrimination against lesbian, gay, bisexual and transgender persons in Malta, 2006 – 2008' recommends that educational institutions should adopt LGBT inclusive policies and issues, and that depiction of homosexuality should not be in a negative manner. MGRM furthermore recommends that measures against bullying, harassment and discrimination should be taken to ensure the safety of LGBT students and teachers.

BeLonGTo Professional is a national Irish organisation for young (14 to 23) lesbian, gay, bisexual and transgender people. BeLonGTo began a national campaign against homophobic bullying in schools in 2006. Through a process of Critical Social Education with the Youth Work Team, young people decided that because they were not being fully supported around homophobic bullying in school they wanted to do something about it themselves. This became the largest LGBT campaign of any kind in Ireland, and one driven by young people²³.

IGLYO also published Guidelines for an LGBTQ Inclusive Education²⁴ which tackle human rights education, sexuality and emotional education, curriculum and learning materials, anti-bullying and other

²⁰ Valentine and Wood, *Equality and Human Rights Commission Research summary 39 - The experiences of lesbian, gay and bisexual staff and students in higher education: The experiences of lesbian, gay and bisexual staff and students in higher education*

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ Selun B. and Anderson C. (Editors), *Guidelines for an LGBTQ Inclusive Education*. UAB INW, 2007

inclusive policies, access to information and support, external and community support, networking, safe environment, mainstreaming and school democracy.

The Global Alliance for LGBT Education (GALE) published a toolkit for schools²⁵ which deals with all aspects of LGBT issues in the school environment. This toolkit provides information and tools for students, parents, teachers, principals as well as background tools.

Discrimination in Social Protection, including Social Security and Healthcare

Healthcare

According to the Flash Eurobarometer on Discrimination the area of healthcare is the one where respondents perceive there is the least discrimination²⁶.

On the other hand, in the study conducted by MGR M nearly 1 in 3 of respondents who sought health services and who did not conceal their sexual orientation and/or gender identity felt they were treated less favourably than other patients. The main issues which were reported related to blood donations.

According to a Council of Europe²⁷ report a first obstacle in accessing healthcare by LGBT individuals is a significant level of mistrust between these patients and their healthcare professionals. This may lead to them not seeking medical care or withholding information about their sexual orientation or gender identity. Furthermore, when LGBT persons seek healthcare they perceive that the treatment they receive is worse than that provided to their heterosexual peers. A second

obstacle identified is the prejudiced attitude of medical staff towards LGBT individuals. This may be due to outdated approaches towards homosexuality and transgenderism. A third problem is that in countries which do not grant some form of legal recognition to same sex partners, these partners are not recognised as next of kin leading to situations where persons in life-threatening conditions, or suffering from chronic illnesses have their partner precluded from taking decisions about their treatment. In some instances partners are not even allowed at their bedside. This report gives an example of a woman who gave birth in Estonia and whose partner was not allowed to be present at the birth. And finally gay and bisexual men are faced with situations where they are assumed to be HIV-positive when accessing health services.

This report also goes into the specific obstacles faced by transgender persons when accessing health services. It states that:

"The European Court of Human Rights has established that states have a positive duty to provide for the possibility to undergo gender reassignment as 'medically necessary' treatment, which should be covered by insurance schemes. Failure to provide this places a disproportionate burden on a person 'in one of the most intimate areas of private life', according to groundbreaking ruling in 2003. The Court restated this in another case in 2007"²⁸

A mapping study carried out by the Irish Health Service Executive stated that in the case of trans people the main issues relate to lack of essential health services, especially relating to surgeons, postoperative care, endocrinologists, psychiatrists, therapists and designated gender specialists. Furthermore, trans people face isolation, fear, stigma, physical violence and family rejection all of

which contribute to depression, anxiety, self-harm and substance abuse.²⁹

In a joint report by ILGA-Europe and TGEU³⁰ it is pointed out that trans issues in accessing healthcare go beyond gender reassignment treatment. According to this report access to healthcare by trans is often hampered by the prejudices of the healthcare profession. This report cites a Transgender EuroStudy where a quarter of respondents reported adverse treatment by healthcare professionals due to them being trans, and a fifth reported that being trans affected the way they access non-trans related healthcare. Consequently many trans avoid going to doctors. In another study cited in the same report,³¹ 22% of the respondents felt that the fact they were trans affected in a negative way the way they were treated by healthcare professionals.

Regarding trans people's health in general, it is reported that trans respondents reported a higher incidence of bad health as well as having worse mental health than gay or lesbian respondents, with 29.9% of respondents to The Transgender EuroStudy stating that they had attempted suicide as an adult.

Social Protection

In the case of social protection, especially pensions, there is discrimination against LGBT persons especially where same sex partnerships are not legally recognised. ILGA Europe in its Written Response to the European Commission Consultation on New Anti-Discrimination Measures points out that since access to a range of social security schemes is often limited to married couples or legally registered partnerships, in cases where same sex couples cannot marry or register a partnership the latter group are prevented from enjoying those benefits which would have been available to them had they

²⁵ Dankmeijer, P. (editor) (2011). "GALE Toolkit Working with Schools 1.0. Tools for school consultants, principals, teachers, students and parents to integrate adequate attention of lesbian, gay, bisexual and transgender topics in curricula and school policies." Amsterdam: GALE The Global Alliance for LGBT Education. Downloaded from www.lgbt-education.info.

²⁶ Flash Eurobarometer; Discrimination in the European Union Perceptions and experiences of discrimination in the areas of housing, healthcare, education, and when buying products or using services.; 2008. Page 22

²⁷ Council of Europe Publishing; Discrimination on grounds of sexual orientation and gender identity in Europe; June 2011

²⁸ Ibid.

²⁹ Health Service Executive, LGBT Health: Towards meeting the health care needs of lesbian, gay, bisexual and transgender people, April 2009

³⁰ TGEU & ILGA-Europe, Joint Contribution by ILGA-Europe and Transgender Europe towards the European Commission's monitoring of the implementation of the Gender Goods and Services Directive (Dir. 2004.113/EC) and the Gender Recast Directive (Dir. 2006/54/EC) in the EU Member States; June 2011

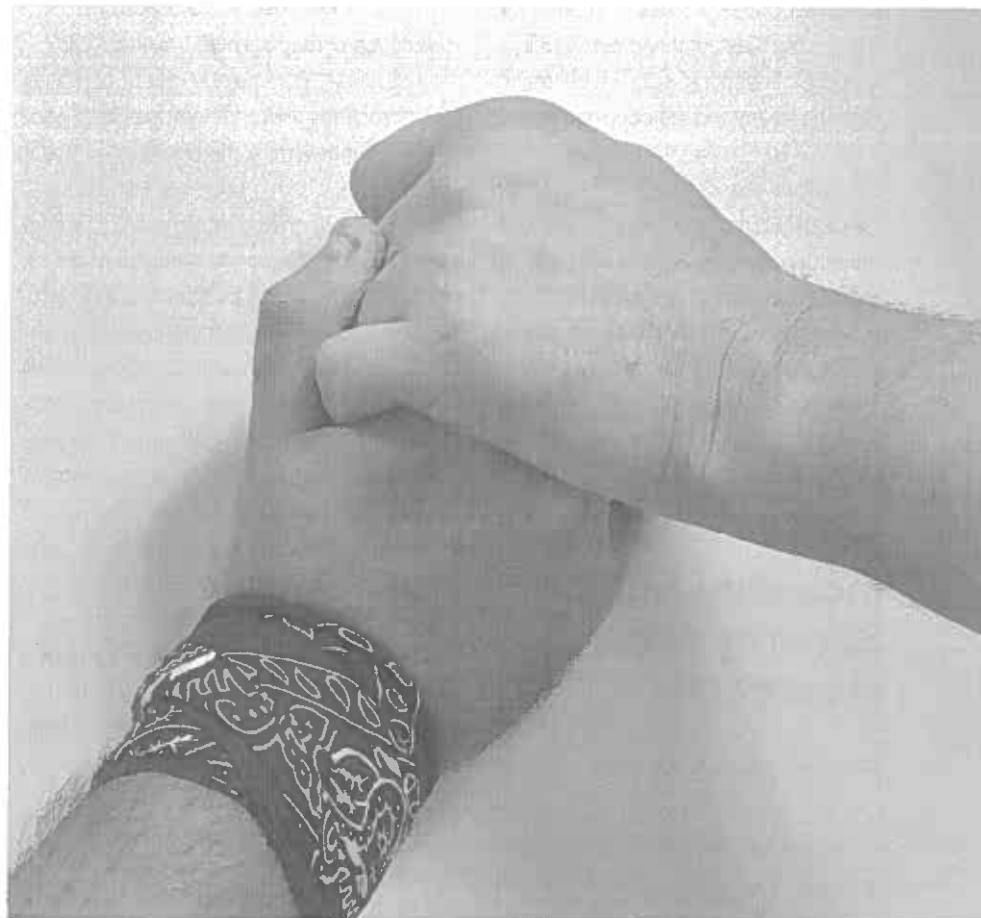
³¹ Whittle S., Turner L., Al-Alami M., Engendered Penalties Transgender and Transsexual People's Experiences of Inequality and Discrimination, February 2007

been in a relationship with someone of the opposite sex. Opinions, especially in the form of jurisprudence on this issue are being issued. An example of such is the recent opinion the Advocate General of the European Court of Justice Damaso, in the case *Maruko v. Versorgungsanstalt der deutschen Bühnen* whereby in relation to survivor's pension, it was stated that the non recognition of same sex partnerships can constitute indirect discrimination. A similar opinion was provided by the Equality Authority in Ireland whereby it was stated that the refusal of an adult dependent allowance for his partner under the claimant's invalidity pension was illustrative of the discrimination affecting same sex partners and that such cases stress the need to establish legal recognition for same sex partners.

Good Practice in Health Services

Ireland includes in its health strategy a focus on lesbian and bisexual women in all its campaigns on cancer and STIs. Furthermore, in order to create a more inclusive health service healthcare staff are required to have specialist knowledge on lesbian and bisexual women's specific health problems, as well as having a non-judgemental attitude towards their sexual orientation.³²

A report by the Fundamental Rights Agency highlights the fact that some Member States, such as Denmark, Romania, Spain and the UK have removed the barriers to reproductive health services for LGBT individuals, thus permitting access to these services irrespective of marital status or sexual orientation.³³



Good practice in social protection

As is evident from the above cited reports, in countries recognising same sex partnership, whether through marriage or through civil partnerships, equality in social protection, especially when it comes to partner benefits and pensions can be achieved.

Discrimination in Access to Goods and Services

Access to goods and services.

According to the Flash Eurobarometer on Discrimination between two and three in 10 EU citizens (from 20% to 31%) believe that when buying products or using services, discrimination based on religion or belief, disability, age, sexual orientation or a combination of any of these grounds is very or fairly widespread in their country. A majority however, ranging from 62% to 74%, feel the opposite – that it is very or fairly rare to find such discrimination in their country.

More than one in five EU citizens (22%) believes that discrimination on the ground of sexual orientation is very or fairly widespread in their country when buying products or services.

³² Council of Europe, *Discrimination on grounds of sexual orientation and gender identity in Europe*, June 2011

³³ Fundamental Rights Agency, *Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the EU Member States*, 2011

Nearly one in four respondents (of those who did not conceal their sexual orientation) to the MGRM study³⁴ stated that when accessing services available to the general public experienced discriminatory treatment. This was most commonly experienced in bars, clubs and restaurants (52.0% of respondents who reported discriminatory treatment). A number of respondents also cited such occurrences in shops (36.0%), on public transport services (36.0%), when dealing with local authorities (32.0%) and at public beaches (28.0%). Furthermore, in this report it is stated that a number of gay men were being charged higher premiums on their life insurance despite having a clean bill of health. This was denied by insurance companies.

In the 'Written Response by ILGA-Europe European Commission Consultation on New Anti-Discrimination Measures' published in October 2007 it is pointed out that:

"Discrimination on grounds of sexual orientation in access to goods and services takes many different forms. Typical cases reported by NGOs, as well as complaints taken up by equality bodies include the following: same-sex couples being denied entry to restaurants and bars, or forced to leave premises; couples being denied services or access to double rooms in hotels; unequal treatment in accessing special offers with airline travel or entrance fees to museums; denied access to insurance policies and bank loans available to married couples; refusal to rent apartments or house, etc.

These cases are widely reported although rarely followed by an official complaint. By way of illustration, Hans Ytterberg, Swedish Ombudsman against Sexual Orientation Discrimination, reported that for every ten phone calls made to his office asking about procedures to make a complaint, only one complaint is officially lodged.

This written response also provides a list of examples of discrimination suffered by LGBT persons in access to goods and services. Examples provided by the national members of ILGA-Europe ranged from refusal for the organization HOSI Wien ("Homosexuelle Initiative") to pay for the organisation's name to appear in all timetables and on the train and on the platform screens for a whole year in Austria; to refusal to a de facto same-sex couple being denied access to a travel insurance policy in Portugal; to cases of LGB people being refused in restaurants, bars and hotels because of public displays of affection; to a judgment in Belgium which ruled that a house owner had discriminated against a same sex couple interested in renting his property because of their sexual orientation.

On the issue of accessing goods and services, a study carried out by the European Policy Evaluation Consortium (EPEC)³⁵ states that discrimination in the access of goods and services often occurs when a person is with a partner of the same sex and that LGB individuals rarely experience discriminatory treatment when on their own.

In a recent case in the Bristol County Court between Martin Hall and Steven Preddy and Peter Bull³⁶ and Hazel Mary Bull, the defendants who are owners of a hotel in Cornwall were accused of discriminating the claimants who are two men who have entered into a Civil Partnership and who, in 2008 had decided to have a short break in Cornwall in the hotel owned by the defendants. The two claimants brought their claim under the Equality Act (Sexual Orientation) Regulations 2007 and maintained that the defendants directly or indirectly discriminated against them on the ground of their sexual orientation and they sought a declaration to this effect as well as damages. The Court ruled that there was

discrimination in the way the defendants had acted and awarded 1,800 GBP to each of the defendants as damages.

Housing

The Sexual Orientation Research Review 2008³⁷ identified housing as a major issue for LGBT persons. LGBT persons identified discrimination and housing problems such as harassment or abuse. The harassment or abuse identified by various studies cited



³⁴ LGBT Discrimination in Malta. A survey on sexual orientation and gender identity discrimination against lesbian, gay, bisexual and transgender persons in Malta, 2006 – 2008

³⁵ Study on discrimination on grounds of religion and belief, age, disability and sexual orientation outside of employment, June 2008

³⁶ Case No. 9BS02095 and 9BS02096

³⁷ Mitchell M., Howarth C., Kotecha M. and Creagan C., Sexual orientation research review 2008, Equality and Human Rights Commission, 2009

in this review ranged from hate crime in and around their homes, as well as criminal damage, fouling and playing loud music with homophobic lyrics. The study conducted by Stonewall Cymru identified that this type of abuse and harassment tended to increase over time.³⁸ However, LGB people may fear drawing attention to themselves by reporting incidents of intimidation, verbal abuse, graffiti etc. (Stonewall Scotland 2007). In order to avoid harassment, LGB people may try to hide their sexual orientation from family and neighbours (Stonewall Scotland 2007). However, this may be extremely difficult in practice because of the way in which one's home is an essential part of everyday life (Stonewall 2007). The effect of this harassment is reported as being a negative one, with victims reporting lowering of self-confidence with increased suicidal and self-harm tendencies. A study conducted by Stonewall Cymru (2006) and referred to in this research reflect these findings but additionally found that this behaviour increases the chance of homelessness and may also affect a wider group of people, such as neighbours who share the consequences of homophobia-inspired anti-social behaviour and vandalism.

The type of housing also has an effect on the level of harassment suffered. LGB youth still living with their families may experience harassment if these are found out by family members having homophobic attitudes, while those living in youth hostels and other temporary accommodation were more likely to experience abuse and harassment. A study conducted by Stonewall Cymru in 2006 found that LGB youth residing in private sector or social housing may experience problems in sharing communal areas, being accepted by flat mates and landlords, and having a lack of privacy, all of which may impact negatively on their quality of life. Equality in the housing sector is protected in the UK by the Equality

Act (Sexual Orientation) Regulations of 2007. While these Regulations protect individuals from being discriminated in access to housing on the basis of their sexual orientation, the reality might be a different issue altogether. The sexual orientation research review 2008 reports that 'Hunt and Dick (2008, p.5) found that

'one in five lesbian and gay people expect to be treated worse than heterosexuals when applying for social housing'

in their email survey of 1,658 respondents conducted on their behalf by YouGov. Although this research can be seen as problematic due to its exclusion of LGB people without email or internet access, its findings are corroborated by other research. While some of the respondents who had experienced discriminatory treatment felt that this was done as the perpetrator had a homophobic attitude, other felt that this discriminatory treatment stemmed from lack of awareness of LGB needs.

The above-cited research review also examines the link between young people's homelessness and their sexual orientation. This research review refers to an important study conducted by O'Connor and Molloy in 2001³⁹. O'Connor and Molloy conducted a series of in-depth interviews with lesbian and gay young people having had or having experiences of homelessness and with housing, lesbian/gay organisations to determine causes and nature of homelessness among LGB young people. O'Connor and Molloy conclude that the reasons for homelessness given by the respondents fell into three groups, namely, a group whose homelessness was caused by factors unrelated to their sexuality, another whose homelessness was caused by their sexuality and the third group whose homelessness was caused by both their sexuality and other factors.

The issue of housing also affects older LGB individuals and their loss of independent accommodation. Research has identified the fear experienced by older LGB people in growing old and losing their independent living and subsequently these would have to move to residential services that may be heterocentric and in which they may experience homophobia and isolation.

In studies conducted with older LGB persons, these have expressed a preference for exclusive LGB residential homes (for example, ODS and Stonewall 2005). The sexual orientation research report goes on to state that:

'Indeed 83 per cent of those surveyed in a study in 1995 (Hubbard and Rossington 1995, cited in Creegan et al 2007, p. 61) suggested they would prefer this type of accommodation. Yet, no such provision currently exists (Fish 2007e). Other qualitative research suggests that some LGB people are planning to live in old age with partners, if they have one, or with gay friends and/or relatives. This was a prospect that was regarded positively, both as a way of avoiding loneliness and for mutual support, as well as to avoid having one's gay identity effectively stripped in a care home environment (Mitchell 2004).'

This report gives examples of how this discrimination can be experienced. Examples given range from being refused services or access to double rooms or double beds in hotels and in accessing special offers with airline travel or with entrance fees to museums. Furthermore, research indicates that many LGB persons experience insulting or degrading treatment by staff.

³⁸ Stonewall CYMRU, *The housing needs of lesbian, gay and bisexual (LGB) people in Wales*, Stonewall Cymru and Triangle Wales, 2006

³⁹ O'Connor, W. and Molloy, D., *'Hidden in Plain Sight': Homelessness amongst Lesbian and Gay Youth*, National Centre for Social Research, London; 2001

Good Practices in Accessing Goods and Services

In the context of housing, local authorities, housing associations and other housing providers are pivotal in reducing harassment and abuse suffered by LGB tenants as well as to help to improve access to housing. These organizations also have a role in providing inclusive residential care which could meet the needs of LGB older people.

A number of groups and NGOs in UK provide assistance to older LGB persons. An example of such a group is Opening Doors London which aims to develop services for the older LGBT community that combat isolation through the provision of regular social activities, a telephone advice and signposting service, and a befriending scheme. The project also provides information, guidance and training for other service providers, statutory and non-statutory, in order to help them develop appropriate and inclusive services for older LGBT people, as well as volunteering opportunities to work with the groups and with one to one befriending activities⁴⁰. These groups can be used to provide support to older LGBT persons by ensuring that they do not suffer isolation if these are in residential housing.

In the case of younger LGB persons the Sexual Orientation Research Review 2008 refers to the Albert Kennedy Trust which provides LGB young people (under 21) with supportive and caring homes (Stonewall 2007). Stonewall Housing also provides services in the form of temporary, supported housing for 16- to 25-year-old LGB people, along with housing advice, advocacy and resettlement advice for those moving into independent accommodation (Stonewall 2007). In Wales, Triangle Wales provides housing services more generally, including

a helpline, one-to-one mentoring and floating support to LGBT people of all ages (Stonewall Cymru 2006). However, it also has services specifically for LGB people aged between 16 and 25. The service is currently negotiating nomination rights with housing associations for a move on accommodation and has compiled a list of 'gay friendly' private landlords for LGB people looking for accommodation. Gold (2005) has also produced a document discussing the issues faced by LGB people in relation to housing and homelessness for Shelter, which is an NGO working in the homelessness sector. This document describes best practice as well.⁴¹

This review also refers to Creegan et al (2007) which have compiled a list of recommendations for local authorities and other housing providers working with LGB clients. Recommendations include facilitating social groups for LGB people in care homes and housing forums for LGB people living in estates, conducting Equality Impact Assessments, implementing policies recognising succession rights and to tackle homophobic abuse, putting up posters stressing that the organization does not tolerate homophobic abuse, increase housing specifically targeted towards LGB individuals and encouraging younger LGB to become active in older LGB organisations.

In the access to goods and services, organizations such as Stonewall are carrying out awareness campaigns both with LGBT persons as well as service providers of their rights and obligations. Stonewall also lobbies with Government for the introduction of laws prohibiting discrimination on the grounds of sexual orientation.

Conclusion

From the research examined in this literature review it is clear that LGBT persons experience discrimination in all areas of their life. LGBT persons suffer from discrimination in employment both in access to employment as well as during employment, including harassment. Good practices in this area include having an LGBT inclusive workplaces where individuals feel safe to come out and where effective measures of redress against discriminating colleagues are in place. Furthermore, in order to have effective remedies one needs to ensure protection of victims and confidentiality.

LGBT persons also experience discrimination in education, which discrimination often takes the form of harassment, bullying and sometimes violence. In this field it is important to have awareness raising activities as well as policies in place to tackle homophobia and homophobic bullying.

In the area of healthcare there is a level of mistrust between LGBT patient and their healthcare providers. Trans patients also face specific obstacles mainly relating to lack of essential health services and prejudice by the healthcare profession. It is important to have targeted health strategies towards LGBT individuals, as well as having healthcare professionals with specialist knowledge in the field. In the area of social protection, especially when it comes to pensions, there is discrimination against LGBT persons especially where same sex partnerships are not recognised.

LGBT persons face discriminatory treatment when accessing services available to the general public. Awareness campaigns both with LGBT individuals as well as service providers can help in reducing discrimination in this sector. Housing is also a sector whereby

⁴⁰ <http://www.openingdoorslondon.org.uk/about-us.html>

⁴¹ Martin Mitchell, Charlie Howarth, Mehul Kotecha and Chris Creegan, *Sexual orientation research review 2008, Equality and Human Rights Commission, 2009*

LGBT persons face discrimination and a link between young people's homelessness and their sexual orientation can also be seen. Older LGBT individuals also experience issues in housing and their loss of independent accommodation. In the case of housing local authorities, housing associations and other housing providers have a role in reducing harassment and abuse suffered by LGBT individuals.

Findings

Introduction

This chapter aims to present the findings of the survey. This will include a profile of the research participants and a breakdown of the themes addressed in the structured interview, mainly the interviewee's or a close acquaintance's experience of differential treatment or discrimination on the ground of sexual orientation or gender identity and expression in employment, housing, healthcare, education, the provision of goods and services, insurance and banking, public services and benefits. It also presents findings on the experience of violence, humiliation and victimisation on the grounds of sexual orientation or gender identity and expression. The levels of knowledge and awareness on current anti-discriminatory provisions and preferred methods of assistance and redress will also be presented.

Profile of Participants

- Twenty five interviews were held over a period of three weeks with a total of thirteen participants identifying as male and twelve as female⁴². Three of these were transgender.
- Twenty three interviewees gave their legal status as single although six of these were in a relationship. One

identified as cohabiting and another as separated. Four of the respondents were parents.

- Where living arrangements were concerned, nine lived with their parent/s; seven said they lived alone; seven lived with their partner; one lived with a sibling and another with a daughter.
- Twenty-one of the participants held Maltese citizenship; two were British while another two held dual citizenship.
- Of the participants, ten were between the ages of 18 and 30 (5 males and 5 females), six were between 31 and 40 (2 males and 4 females), six fell between 41 and 50 (3 males and 3 females), 2 males were between 51 and 60 years old while 1 male was over 61 years old.
- Fourteen of the participants came from the Northern Harbour District, four from the South Eastern District, three from the Northern and Southern Districts and one from the Western District. The District of Gozo and Comino were not represented.
- The educational level of participants was above the national average with fourteen participants having attained a tertiary education (8 males and 6 females), four having a post-secondary level of education (2 males and 2 females) and seven having left school on completion of compulsory schooling (3 males and 4 females).
- Employment backgrounds were also varied with twenty three of the participants in work, one being retired and another being unemployed. The majority worked in the private sector with only two of them being self-employed. Eight were classified as professionals (5 males & 3 females), seven as senior officials and managers (4 males and 3 females), nine as service and shop and sales workers (4 males and 5 females) and one unemployed female.
- With respect to religious affiliations, ten identified as Roman Catholic, although of these four were non-practicing; two were Christian; three were agnostic; three were atheist and four held no religious affiliations. Other respondents identified as spiritualist, deist and paganist.

Discrimination in Employment

Fifteen respondents recounted experiences of discrimination. A number of these referred to personal experiences while others provided third party accounts of incidents that friends or colleagues had been through. The nature of the incidents varied considerably and included offensive language at the place of work, isolation, harassment, difficulty in accessing employment, loss of clients and unfair dismissal.

	Male	Female
Name Calling/harassment/jokes	2	6
At interview stage	2	1
Trans identity	1	1
Loss of clients	1	
Lack of legal recognition of same sex partners	1	
Dismissal	1	
Silencing	1	
Isolation	1	

Name Calling, inappropriate jokes and harassment

Table 1

⁴² Classification of male and female is based on self-identification and not on legal sex.



Perpetrators included employers, colleagues, clients and former partners. Derogatory name calling, inappropriate jokes and homophobic language were the most common form of discrimination reported and were experienced by a number of research participants. This could also escalate to the level of slander, threats and intimidation. Being out at work could have negative as well as positive consequences and may not always be the choice of the individual concerned. One respondent pointed toward the reaction of his colleagues, who while falling short of harassment or direct discrimination, appeared somewhat uncomfortable with the situation. He attributed this to a hierarchical and macho culture where sexist jokes abounded. On a positive note, he felt that attitudes were changing for the better (SO2).

"When he was employed, another employee called him a "pufta".
(SO9: Gay 18-30)

"It's constant this making fun of effeminate guys. When they refer to a particular guy they refer to him as 'dak in-naqra mxeqleb' (that slightly bent one)."
(SO30: Lesbian 41-50)

"Naf wiehed jitnejku bih u jghaddu c-cajt bih, mhux necessarjament f'wiccu. Fil-verita ma jsirx f'wiccu ghax mhux it-tip ta' persuna li jhalliha ghaddejja. Insomma probabbli anke fuqi hekk isir."

"I know someone they make fun of and joke about, not necessarily to his face. In reality it doesn't happen to his face because he is not the type to let it drop. It's likely that they do the same about me."
(SO25: Lesbian 18-30)

"It was a daily routine. Jokes, making fun of him, look down on him, make jokes on his sexual orientation. Make fun of pufti (poofs)."
(SO23: Lesbian 31-40)

"A restaurant manager, he was my boss at the time, kien jghaddi hafna kummenti (he used to pass a lot of comments). I told him to stop but he didn't.. I told the operations manager and they didn't do anything about it... After that he came and told me that she spoke to him and he told me 'I'll make your life hell'."
(SO19: Lesbian 31-40)

"On one occasion I was sitting at my desk eating a muffin, my department lead walked over to me, stuck her finger in the muffin and stated loudly, "Look my finger's in your muff!". The staff laughed often at my expense with such comments being passed."
(SO21: Lesbian 18-30)

Being in self-employment or working for a family business also served as protective factors from harassment and discrimination.

*"With me on the other hand, they're very careful how they speak. It could be yes, that they are careful because the business is of my family."
(SO20: Lesbian 41-50)*

Discrimination by clients

In one case, a health care professional found that some clients stopped coming when they found out he was gay (SO2). Another professional in the care sector also stated that clients attempted to undermine her reputation and use her sexual orientation against her. Certain professions such as hairdressing were considered safer than others

"Kien hemm mara kienet tghid kontrija man-nies ix-xoghol u tghid li jiena m' iniex tajba ghax gay"

*"There was a woman who used to speak against me with my work colleagues and say that I wasn't any good because I was gay"
(SO15: Lesbian 18-30)*

"It-tieni kaz gara gewwa gay club gewwa Malta u Itqajt ma parent ta tifla li niehdu hsieb u malli rani gie jghajjarni. Hafna theddid. Kelli nohrog bil pulizija. Telaw il-qorti fuq intimidazzjoni. Dan il-missier gie x-xoghol u beda jimmalfani x-xoghol li kont qed inbus tfajla ohra u kont taht effett tad-droga."

*"The second case happened in a gay club in Malta where I met the parent of a child I looked after and as soon as he saw me he came to insult me. Lots of threats. I had to leave with police protection. They went to court on intimidation charges. The father came to my workplace and slandered me saying that I was kissing another girl and that I was under the effect of drugs."
(SO15: Lesbian 18-30)*

*"I am self employed and so never had any problems...not even with clients...in my line of work being gay is ok..."
(SO1: Gay 61+)*

Ostracisation and Silencing

Being ostracised by clients or colleagues appears to be one of the risks that LGBT people face. One interviewee decided not to say anything since, based on their comments about other gay employees, she judged it to be unsafe. In another incident an employee was advised to keep quiet about her sexual orientation with her employers as this could work against her. Conversely, hearing colleagues refer to gay people in a positive manner made the employee feel safe to come out.

*"When she told colleagues they advised her not to say anything to the big bosses because the boss is a bit old fashioned."
(SO18: Lesbian 31-40)*

*"(T)hey realized that she is also gay and started treating her differently and not including her in things done as a team."
(SO21: Lesbian 18-30)*

*"I remember when I had my first job and I was just coming out and we started discussing different sexual orientations and from the way my colleagues spoke I vowed not to tell them. They were like Jien ghandi hbieb gay ta imma jaqq! (I have gay friends but yuck!). So I vowed not to say anything and this was in my coming out week..."
(SO19: Lesbian 31-40)*

*"(W)here I work now I was very careful until I got to know them – once I knew that they had gay friends and employees it was ok."
(SO8: Gay 31-40)*

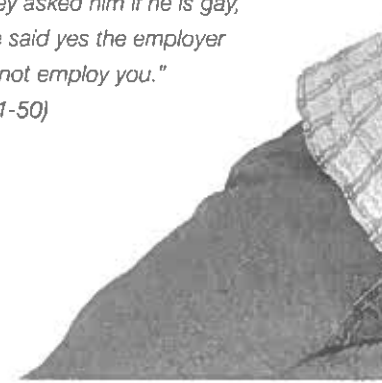
*"In my line of work I am very careful about what I say and how I act...I put a form of control on myself coz I don't know how people would react to me being gay – even with my boss, at the beginning I never made it obvious – although if I had an office function I would still go with my partner..."
(SO8: Gay 31-40)*

Access to Employment and Unfair Dismissal

One respondent reported on a friend's experience of discrimination. The incident referred to a teacher who was dismissed following complaints by parents due to the teacher's sexual orientation. The teacher was eventually re-instated following legal action.

Coming out to or being perceived as gay or trans by prospective employers also led to discrimination. Appearing too masculine if female or too effeminate if male was also deemed to give rise to discrimination by employers or line-managers.

*"A friend of mine, went to an interview, 39 single. they asked him if he is gay, and when he said yes the employer said, we cannot employ you."
(SO3: Gay 41-50)*



*"An employer still will not employ me if I'm clearly looking gay. He will make my life miserable and find an excuse to fire me."
(SO4: Gay 18-30)*

Discrimination by ex-partners

The lack of legal recognition of same-sex couples caused difficulty to one self-employed participant who had been in a long term relationship which lasted over 25 years. Although the respondent was the main service provider in the business, his ex-boyfriend was a partner in the venture and was the front man where financial services were concerned. This meant that during and following the break up he felt that he had to hold back from expressing his hurt and to this day is obliged to continue to have business dealings with him.

"I think I could have lost my position in the business if I hadn't stayed on decent terms with him...the thing is

*that it was very difficult for me having to still talk to him after betraying me, but I had no choice, otherwise I would have lost the business that I have been working in all my life... I think if I was a woman and we had been married I would have had some kind of protection and I wouldn't have had to swallow my pride to this extent... my dignity is shattered but I don't think I have a choice..."
(SO1: Gay 61+)*

Transgender Issues

In the case of one trans person, the knowledge that he had to out himself to any prospective employer was enough to delay seeking employment for three years. Once in employment this FTM trans employee was refused a name tag with his preferred male name rather than the female name on his ID card. Another MTF respondent stated that she was discriminated at interview stage when, on informing them of her trans status after she was shortlisted, she was no longer considered for the post.

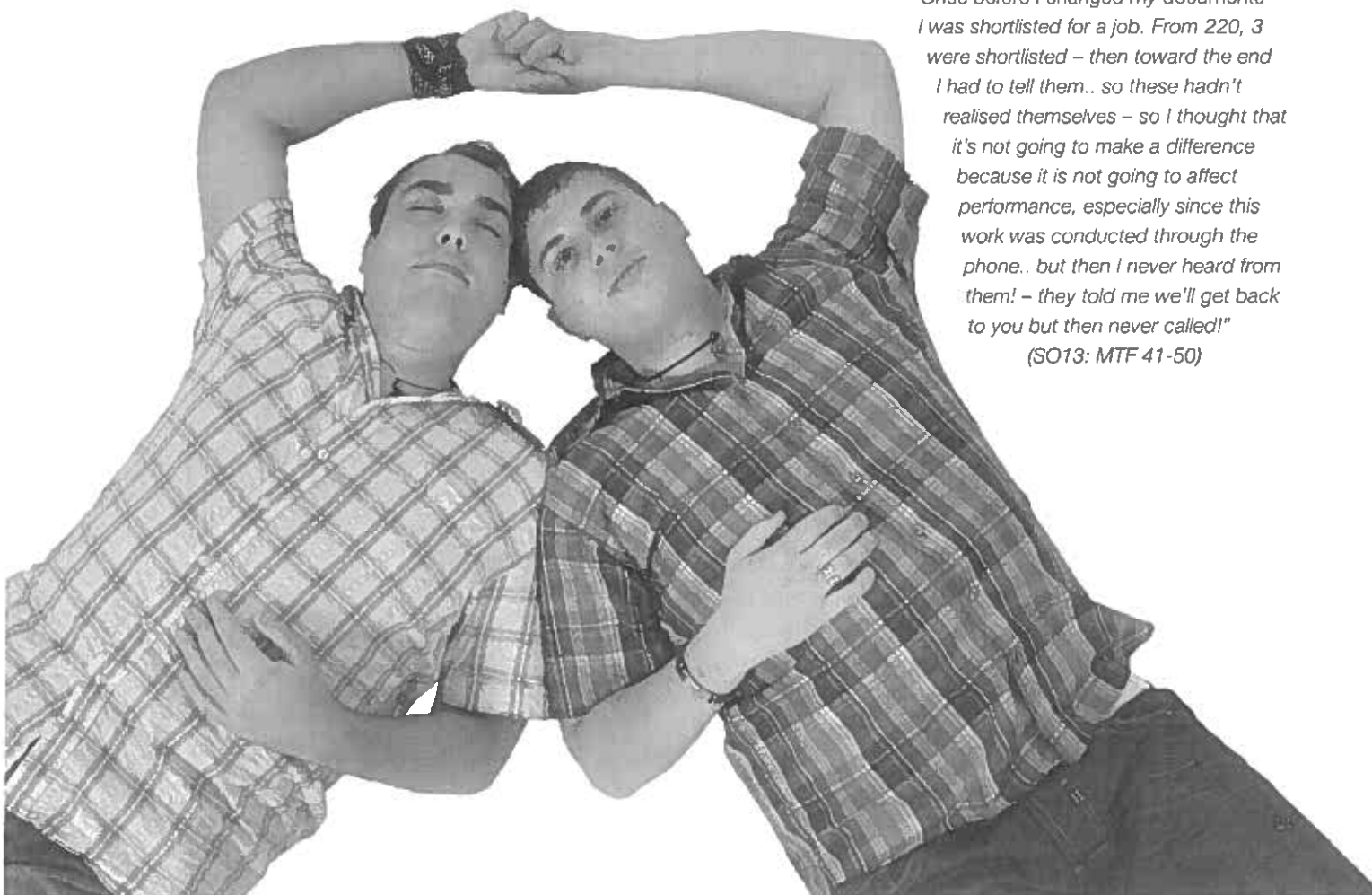
*"When I finished school at 16 I never worked until 19 because I was always scared of what would happen."
(SO12: FTM 18-30)*

*"The only problem I had was with a name tag as they didn't want to give me a boy's name tag."
(SO12: FTM 18-30)*

*"In my face nothing ever happened but when someone new comes to work with us I hear them speaking about me saying 'dik mhux tifel ta' and that hurts but eventually everyone accepts me."
(SO12: FTM 18-30)*

"Darba qabel ma biddilt id-dokument kont gejt shortlisted ghal xoghol. Minn 220 spiccajna 3 – imbaghad lejn l-ahhar kelli nghidilhom... jigifieri dawn lanqas huma ma kienu ndunaw – allura hsiibt li mhux se taghmel differenza ghax mhux ser taffettwa l-performance, speċjalment ghax dan ix-xoghol kien fuq it telefon... imma imbaghad qatt ma rgajt smajt minghandhom! – qaluli we'll get back to you imma ma regghux cemplu!"

*"Once before I changed my documents I was shortlisted for a job. From 220, 3 were shortlisted – then toward the end I had to tell them.. so these hadn't realised themselves – so I thought that it's not going to make a difference because it is not going to affect performance, especially since this work was conducted through the phone.. but then I never heard from them! – they told me we'll get back to you but then never called!"
(SO13: MTF 41-50)*



Not all experiences were negative however and even those respondents who recounted personal experiences of harassment and discrimination were able to recognise good practices.

"We have a transgender (FTM) working with us in the kitchen. She started working when she was a girl and is now in the process of changing to a male and everyone is ok with it. She is very happy working with us because she is accepted the way she is."
(SO19: Lesbian 31-40)

"(T)his week I was pleasantly surprised with one of the managers. He was talking about someone he knows and told me miskina (poor one) she just broke up and she has been for a very long time with her partner and I asked him 'Do I know him?' and he said 'No she was with a woman but still it's difficult when a relationship breaks down.'"
(SO20: Lesbian 41-50)

Housing

Eight of the interviewees, two of whom identified two discriminatory incidents, felt that in some way they were treated differently, harassed or discriminated against due to their sexual orientation or gender identity or took steps to hide their gender identity in access to housing. This came from property negotiators, financial institutions, neighbours and partners.

Discrimination by Neighbours

Harassment or different treatment by neighbour was the most common form of discrimination experienced. In one case, the interviewee felt targeted and actively harassed by a neighbour who made their lives difficult to such an extent that they had to move out of the place they were renting. Another respondent who felt accepted by his neighbours so long as he lived alone felt that this would change once his partner

	Male	Female
Harassment by neighbours	2	2
Discriminatory treatment by Property negotiators	1	1
Lack of Legal Recognition of same-sex couples	1	1
Intrusive questions on taking out loans	1	
Trans Issues		1

Discrimination by Neighbours

Table 2

moved in. For another participant there is a constant reminder of the harassment and homophobia experienced in the form of a screen put up by the neighbour between the balconies of their two properties. This followed a display of affection between the same-sex couple who were embracing each other while watching the sunset to which the neighbour vociferously objected claiming that it was inappropriate and scandalous. One can reasonably assume that the same reaction would not have been forthcoming had they been a heterosexual couple. The message communicated is clearly one of disgust at the idea of two men showing affection towards each other.

"One particular neighbour tried all sorts of things to harass us. In fact we moved out. He complained about everything and nothing. He also sent the health inspectors to check our home."
(SO14: Trans 18-30)

"I haven't received direct discrimination, but I have a feeling that once my partner will move in with me, the owner and neighbours will behave differently."
(SO4: Gay 18-30)

"Fid-dar tieghi ghandna gallarija, u fis-sajf inhobbu nieklu hemm...darba jien u l-partner tieghi konna qeghdin bil-qieghda mghannqin naraw is-sunset – f'daqqa wahda ta' hdejna gie jghajjat u jghajjarna li qeghdin naghtu skandlu lit-tfal...issa dan it-tfal tieghu kbar...u beda jhedded li se jgib il-Pulizija...hawnhekk jien hassejtni violated hafna...ghax wara kollox konna qeghdin kwieti fid-dar taghna stess ngibu ruhna bl-istess mod li any loving couple would do...wara xi gimgha tella qisu screen bejn il-proprietajiet taghna...ahna nghidulu il-homophonic screen (laughs)..."

"In my home we have a balcony, and in summer we like to eat there...once me and my partner were sitting their holding each other watching the sunset – suddenly our neighbour began shouting and insulting us saying we were giving a scandal to his children...now his children are grown up...he started threatening that he would call the police...here I felt very violated...because after all we were calmly in our own home behaving in the same way as any loving couple would do...after about a week he put up a screen between our properties...we call it the homophonic screen (laughs)..."
(SO2: Gay 51-60)

Property Negotiators

One respondent said that a relative who worked in real estate was directed to turn away homosexual clients. A respondent felt that as a same-sex couple they were not taken seriously by the property negotiator although she was uncertain if this was due to the fact that they were young or their sexual orientation.

"When I was looking for property with my ex, some property negotiators did not take us seriously. I don't know if this is because we were two girls or because of our age."
(SO22: Lesbian 18-30)

*"F'dawk it-tliet snin li kont ngħix ma persuna gay kont tara nies jharsu bl-ikrah u tarahom joqghodu lura biex ikellmuk."
"In those three years that I lived with a gay person you used to see people glaring at you and holding back from speaking to you."*
(SO15: Lesbian 18-30)

"I have a relative who works in real estate and I know that sometimes she is told not to take homosexual couples or migrants, therefore I know it exists."
(SO8: Gay 31-40)

Lack of Legal Recognition of Same-sex couples

One respondent felt that the lack of legal recognition of same-sex couples meant that home loans were more difficult to access. The lack of legal recognition of same-sex couples could also lead to difficulties when a relationship broke down as in the case of one research participant who left a violent partner who she had been cohabiting with for two and a half years.

"As single persons (coz can't get married) it is harder to get a loan coz the repayments would be based on one income and not two – it is easier if you're married."
(SO8: Gay 31-40)



"I left my partner of two and a half years. We had built a house together, she was an alcoholic and violent and I left her and took nothing with me. When I left her I had nothing and I couldn't do anything about it. Now she is living in this beautiful house that we built together and I am in debt."
(SO20: Lesbian 41-50)

Life Insurance

For those taking out a home loan in order to purchase property taking out a life insurance is generally mandatory. One respondent felt that the questions that were asked by insurance companies of gay men were demeaning and intrusive. In some cases it was the heteronormative assumption by estate agents or institutions that made them uncomfortable as they were asked questions around their marital status or their presumed opposite sex spouse.

"Il-problema hi li Malta dejjem ikunu jridu life insurance. Qabel id-domandi kienu jkunu vera intrusive... speċjalment mistoqsijiet dwar il-hajja sesswali."

"The problem in Malta is that they always want a life insurance. In the past the questions used to be very intrusive.. especially questions about one's sexual life."
(SO2: Gay 51-60)

"Mhux diskriminazzjoni diretta .. iktar jagħmlu assumptions, jistaqsu mistoqsijiet bħal jekk ser tiehu l-loan wahdek jew mal mara...it can be awkward sometimes."

"Not direct discrimination.. more that they make assumptions, asking questions such as if you are taking a loan alone or with your wife.. it can be awkward sometimes."
(SO2: Gay 51-60)

Trans Identity

For transgender persons the difficulty in changing their sex annotations on official documents can sometimes lead to difficulties when accessing housing. In the case of one post operative respondent who could not yet afford to initiate proceedings to change her sex annotations on her birth certificate, it felt too embarrassing to show her ID card which identified her as male and she therefore chose to have the rent in her boyfriend's name



with all the attendant risks should the relationship have broken down.

"Meta gejt noqghod f'post mikri mill-privat, kont diga ghamilt l-op izda kont ghadni ma biddiltx l-ID card minhabba l-ispejjez...u allura kelli naghmel il-kera fuq isem il-boyfriend li kelli dak iz-zmien ghax jien sthajt li nuri l-ID card b'ismi ta' ragel fuq il-kuntratt tal-kera – u dan ghalkemm jien kont qed inhallas il-kera u l-boyfriend lanqas biss kien jghix mieghi dak iz-zmien...eventually biddilna l-kera f'ismi – issa kieku kelli xi glied jew argument mal-boyfriend tieghi seta kelli problema."

"When I came to live in a privately rented place. I had already had my op but I had still not changed my ID card due to the costs.. and so I had to put the rent in my boyfriend's name at the time as I was embarrassed to show my ID card with my name as a man on the contract for rent – and this even though I was paying the rent and my boyfriend did not even live with me at the time.. eventually we changed the rent to my name – now if I had had a fight or argument with my boyfriend I could have had problems." (SO13: Trans 41-50)

Not all experiences were negative however. One interviewee reported that the stereotype of gay men as effeminate in the care of their home can make them attractive tenants. A trans woman who applied for a housing subsidy from a government department also found that she was treated fairly and

she attributed this partly to the fact that she had by then changed her sex annotation on her ID card.

"Being young and working in the timeshare industry has caused discrimination, but usually when landlords realise our sexuality, thanks to the stereotypical 'clean and tidy gay couple' they are eager to have us as tenants." (SO6: Gay 18-30)

"Bhala housing mill-istat – once li jinbidlu d-dokumenti. applikajt ghal sussidju u hadtu."

"With regards to housing from the state – once the documents change, I applied for a subsidy and got it." (SO13: Trans 41-50)

Healthcare

Around twenty incidents of discrimination were recounted by the interviewees and while eight of these related to the ban on blood donation which applies to men who have sex with men, currently enforced by the blood bank, other experiences with hospitals, nurses, doctors and dentists also emerged. The lifetime ban on blood donation for men who had sex with men was experienced as being discriminatory and unjustified and did not take into consideration that gay men could be monogamous and in long term stable relationships. They also felt that they were treated differently to heterosexual men who could also

	Male	Female
Blood Donation	5	3
Treatment by healthcare providers	2	3
Next of Kin	2	2
HIV status	2	
Trans Identity		1

Blood Donation Ban
Table 3

be promiscuous and that their desire to contribute in a positive manner to society was not appreciated. One participant believed that this ban still applies to lesbians.

*"..hemm ukoll il-kwistjoni li persuni gay ma jistghux jaghtu d-demm.. naf li gay men ikunu jixtiequ jaghtu sehem fis-socjeta' izda ma jistghux, ghalkemm ikunu go monogamous relationship u jipprattikaw safe sex."
".. there is also the issue of gay persons who cannot give blood.. I know that gay men would wish to contribute their share to society but cannot, although they would be in a monogamous relationship and practice safe sex."
(SO2: Gay 51-60)*

*"There was a call for emergency blood donation and this person went to donate blood and due to his sexual orientation he was refused. He also had a rare blood type which was needed at the time. This person felt really degraded. Mar biex jaghmel xi haga tajba. Niftakar (He went to do something good. I remember) how disappointed and humiliated he felt in that he had to walk out immediately as soon as he told them his sexual orientation."
(SO23: Lesbian 31-40)*

Treatment by Health Practitioners

In two cases the quality of care received was perceived as being inferior due to the homophobia of care practitioners. Access to healthcare could also be compromised when respondents perceived care professionals as being homophobic. Two respondents mentioned inappropriate comments made by GP's that ridiculed their patient. In at least one incident involving a dentist, the behaviour of the care practitioner bordered on malpractice. The dentist allegedly refused to treat the patient or downplayed her symptoms despite the patient being in pain. In two instances this led to a conscious choice to change to another practitioner. One respondent claimed that she was refused reproductive health treatment on moral grounds since she did not have a male partner (SO14). A trans respondent felt ridiculed by his GP.

*"I have this dentist which I no longer go to. He knew me as a child and was very caring with me at that age.. I recently went to him with regards to pain in my wisdom tooth. He looked at me in a way I had never seen before. You could literally see the look of utter disgust on his face. From then on he never looks me in the eye and always rushes through an appointment, to the point that I was in pain and possibly needed my wisdom tooth removed but this dentist would look at me for a minute and tell me to keep waiting and we'll see how it goes. He never once asked me in depth where the pain was coming from or what type of pain it is."
(SO21: Lesbian 18-30)*

"..hemm ukoll il-kwistjoni li persuni gay ma jistghux jaghtu d-demm.. naf li gay men ikunu jixtiequ jaghtu sehem fis-socjeta' izda ma jistghux, ghalkemm ikunu go monogamous relationship u jipprattikaw safe sex."

".. there is also the issue of gay persons who cannot give blood.. I know that gay men would wish to contribute their share to society but cannot. although they would be in a monogamous relationship and practice safe sex." (SO2: Gay 51-60)

*"I had changed my GP because once my uncle who is gay went to this GP and the GP asked him 'X'ghamlet ommok x'hin kienet pregnant biex gabitek hekk? Hadet xi aspirina? (What did your mother do while she was pregnant to make you this way? Did she take an aspirin?)"
(SO19: Lesbian 31-40)*

"Pero t-tabib tal-familja jghaddi xi kummenti kull meta mmur ma' missieri. Jghidlu mela kellu tifel u m'ghidtlx? U jinfaqa jidhaq. Kummenti vojta."

*"But the family doctor passes comments every time I go accompanied by my dad. He tells him you had a boy and didn't tell me? And bursts out laughing. Senseless comments."
(SO12: FTM 18-30)*

Next of Kin Status

Four incidents related to interviewees who due to the lack of legal recognition of same-sex couples were treated differently by hospital staff. In two of these cases the partner was refused access to the patient and it was only because they insisted that they were allowed to stay and support their partners. One interviewee stated that he refused treatment unless they let his boyfriend stay with him (SO9). It was also felt that estranged family members actually had more rights than a partner they had been in a relationship with for many years.

*"I was in a long term relationship for many years – but of course if you go to hospital a gay partner is not acknowledged as your next of kin... this can lead to very hurtful situations where a sister you haven't spoken to or seen in months is given preference over your long term live-in partner."
(SO1: Gay 61+)*

"Once I was in hospital with my then partner. She was very very sick, in fact she was dying.. The doctor asked me who I was and I told him I'm her partner"

and they (doctor and nurses) were very hostile to me. They sent me to Boffa to get tested for Hep. C, as my partner had Hep. C. They were really really nasty to me. He treated me that if they touched me I would contaminate them.”
(SO20: Lesbian 41-50)

“Li gara darba mort l-isptar ghax kelli l-gebla. Kont l-emergenza u waqt li qieghda hemmhekk, dak iz zmien kelli l-partner u bdiet tirispondi l-mistoqsijiet tat tabiba. Din meta ndunat li l-partner tieghi t-tabiba ngibdet lura.”

“What happened is that once I went to hospital with an attack of gall bladder stones. I was in the emergency and while I was there, at the time I had a partner and she began answering the doctor’s questions. When she realised that she was my partner she was taken aback.”
(SO15: Lesbian 18-30)

Trans Identity

A trans interviewee who needed emergency treatment was assigned to a male ward despite being post-operative on the basis of the legal sex marked on her ID card. The woman refused treatment unless she was placed in a female ward despite her illness being potentially life threatening.
“Darba kelli bzonn immur l-isptar u din kienet xi haga serja... riedu jifghuni f’ward ta’ l-irgiel. ghalkemm kont diga’ ghamilt l-operazzjoni izda kont ghadni ma biddiltx id-dokumenti.. jien ghedtilhom li jew ser jaghmluni f’ward tan-nisa’ jew ma kontx ser niehu t-trattament u mmut.”
(SO13: Trans 41-50)

Not all encounters with healthcare professionals were negative and some respondents also recognised and acknowledged this fact.

“But when I went to get tested at Boffa they were really nice to me and did all the tests.”
(SO20: Lesbian 41-50)

“No, especially in private clinics where my partner was allowed to visit and stay with me when I did an operation.”
(SO24: Lesbian 31-40)

Education

Name calling, ridicule and bullying seem to be the most common forms of harassment experienced by fourteen of the respondents, often triggered by gender atypical behaviour. Most of the incidents happened in primary and secondary school with just one episode taking place at university. Another seven participants surmised that the reason they were not picked on was because they were not out at the time and because they did not fit the lesbian or gay stereotype. The word ‘pufta’ (poof) and sissy seems to have frequently been used to insult boys perceived to be gay by their fellow students. One interviewee reported being tickled and having his breasts touched presumably against his will. His gay friends who were more effeminate had worse experiences which included grabbing their bum and undressing them (SO10). Respondents also reported being ostracised because of their appearance as well as because anyone associated with them could also be labelled as gay. The reasons behind the bullying were not always clear to the respondents. Some were able to fight back or speak out while others simply endured the suffering. A trans respondent expressed having to be watchful at all times as not conforming with peers tended to draw attention to oneself.

“I used to be called a sissy when I was in school.”
(SO1: Gay 61+)

“They tease you if you do not fit the male macho stereotype... but you have to stand up to them and then they shut up.”
(SO7: Gay 31-40)

“It-tfal kienu jwaqqghuni ghac-cajt ghax dejjem bil qalziet. Fil-Form II qtajt xaghri qisni tifel u kienu jghaddu z-zmien bija u jidhqu bija u jwarrbuni.”

“The children used to make fun of me because I was always in trousers. In Form II I cut my hair like a boy and they used to make fun of me and laugh at me and I was ostracised.”
(SO12: FTM 18-30)

“He used to call me a poof whenever he saw me.. it was a nightmare.. it was only this one person but it was enough to make it difficult for me to be myself and it damaged my self esteem at the time, you know, when you’re young these things effect you.”
(SO5: Gay 41-50)

	Male	Female
Bullying	6	2
Name calling/ridicule	5	1
Trans – gender presentation	1	1
Teachers did not intervene	2	
Homophobic Comments by University Lecturer	1	
Was ostracised		1
Not out	1	6

Bullying, name calling and ridicule
Table 4

"Kont naqla, hafna tghajir – sissy, pufta, minn kollox...fil-break dejjem kont nispicca wahdi, u jekk jigi xi hadd hdejja jahsbuh bhali u jaqbd u mieghu."

"I used to be insulted a lot – sissy, poof, everything...during the break I would always end up alone, and if someone came next to me they would think he was like me and pick on him."
(SO13: MTF 41-50)

"As a child I was always a bit of a tomboy. Till as far back as I can remember I was always bullied for something, For a long period of time it was because I have short hair and I look like a boy, and I should stop telling people I'm a girl and just say I'm a boy. Years later when I actually came out, my friends were starting to be looked at differently because they hung out with me. People would pass comments like "Oh my god you hang out with her? Don't you know she's a lesbian?!"
(SO21: Lesbian 18-30)

"At school it was a bit difficult. People used to make fun of me how I behaved and walk. It used to affect me a lot and used to call me "aw sissi". At secondary walking in the corridor someone used to call me "AW PUFTA"...which is not a very nice thing."
(SO16: Gay 51-60)

"Fl-iskejjel kien hemm quite a lot of bullying.. mhux lejja biss izda lejn dawk kollha li l-perception kienet li huma gay jew effemminiati... allura kienu jaqbd u magghom."

"In schools there was quite a lot of bullying.. not only toward me but towards all those for whom the perception was that they were gay or effeminate.. so they used to pick on them."
(SO2: Gay 51-60)

"Jien qatt ma hrigt ma' guvni u kienu jarawha stramba din...kien ikolli nara x' nivvinta...trid toqghod b' seba ghajnejn. Kienu joqoghd u jinkuni li lili hadd ma jiffansjani imma jien go qalbi kont nghidilhom li ma jinteressanix ghax il-guvintur ma joghgbunix."

"I never went out with a boy and they used to think this was strange...I would have to see what to come up with...you have to be on the look out. They would tease



me saying that no one fancied me but in my heart I would tell them that I was not interested because I didn't like boys."
(SO12: FTM 18-30)

The role of teachers

With the exception of one incident where it was alleged that a university lecturer commented negatively on homosexuality and a trans student who's primary school teacher insisted on the child wearing a skirt rather than trousers, teachers were not identified as being perpetrators of bullying. They were criticised however for not intervening to stop the bullying and for not covering the subject throughout the school year.

"There was also a lecturer who publicly stated that homosexuality is against nature...and that gay rights are like animal rights and therefore should not even exist...he had also made reference to a trans student who had done a sex change and said that this shouldn't be and that it was against nature..."
(SO8: Gay 31-40)

"(L)-iskejjel ma kienux lesti li jintervjenu... qishom xi haga normali. Xi minn daqqiet il-bullying kien isir anke quddiem it-teachers – u t-teachers ma jaghtux kaz!"

"The schools were not ready to intervene.. as if it was a normal thing. At times the bullying used to happen even in front of teachers – and the teachers would not take any notice!."
(SO2: Gay 51-60)

"Kien hemm teacher il-primarja kienet tridni bilfors bid-dublett u jien ma kontx irrid nilbsu. Il-bqija kienu understanding it-teachers pero meta kienu jaqbd u mieghi qatt ma qabzu ghalija. Qatt ma ghallmuna li jezistu gays u hekk u misshom jaghmluha fil-PSD."

"There was a teacher in primary who insisted on me wearing a skirt and I did not want to wear it. Otherwise the teachers were understanding although when they used to pick on me they never stood up for me. They never taught us that gays existed and such and they should have done it in PSD."
(SO12: FTM 18-30)

"Teachers could have done better, but I understand maybe they don't have the tools and education.. they have the mentality and attitude that the best way to deal with it is not to deal with it."
(SO7: Gay 31-40)

Being Out

Some of the respondents, mostly female, also commented that the reason they were not bullied at school was because they were not out and the fact that they did not fit the gay stereotype. Others mentioned that they had never considered the possibility of being gay since this was never discussed.

"When I was in school I did not know about my sexual orientation yet so I never had any problems. In fact I was still dating boys at the time and did not even know of the existence of lesbians."
(SO23: Lesbian 31-40)

"When I was at school I didn't even know of the possibility of being gay..."
(SO25: Lesbian 18-30)

of the traveller, a frequent flyer who, understandably, found the experience demeaning. The same interviewee was also refused a special holiday package targeted at couples although being married was not a requirement. One interviewee reported being assigned a twin bedroom at a number of hotels despite booking a double bed when she showed up with her same-sex partner. While in some cases the result of the discrimination was restricted to feelings of embarrassment, others also entailed a financial cost.

"(K)jelli diamond flypass ta' l-AirMalta – wahda mill-privileggi hi li tista' tidhol fil-business lounge flimkien mal-ispouse jew partner tieghek...darba ppruvajt indahhal lill-partner tieghi u ma hallewniex...it is very embarrassing and demeaning... (D)arba ppruvajt nibbukja

"We were refused a couple's membership for a lido. We found out through a friend that we weren't considered a FAMILY in their eyes."
(SO11: Gay 41-50)

"In hotels I have booked double rooms and when we go to check in and they see two girls they give us twin beds."
(SO22: Lesbian 18-30)

"It happened to me once in a clothes shop in Malta. You can notice people who laugh behind your back while looking for clothes in the women's section..."
(SO7: Gay 31-40)

Respondents related being made to feel uncomfortable at shops, bars and restaurants by owners and patrons. In one case it was a professional psychologist who caused distress to the client, quoting the bible and making his coming out even more stressful. The interviewee alleged that the psychologist told him that he would be left alone and depressed (SO10).

"Kien hemm bar li ma kienx gaybar, imma peress kienu jintefaw hafna gays konna mmorru. Gie xi hadd mill-owners u qalli 'can you please not show'. Ghadtilha ok u tlaqt il barra. Din l-owner hija gay ukoll."

"There was a bar which was not a gay bar. but since there used to be a lot of gays we used to go. One of the owners came up to me and said 'can you please not show'. I told her ok and walked out. This owner was gay too."
(SO15: Lesbian 18-30)

	Male	Female
Lack of recognition of same-sex couples	4	2
Ridicule	1	1
Psychologist	1	
Trans Identity	1	1
Social Benefits		1
Public Displays of Affection		1
Insurance	4	
Banking		1

Table 5

Goods and Services

Thirteen experiences of discrimination in the provision of goods and services were reported. Six of these were linked to organisational policies that do not recognise same-sex couples. A range of service providers such as airports, travel agencies, hotels and gyms were mentioned. In one case the national airline felt justified in excluding a same-sex partner from the airport business lounge, despite this perk not being restricted to married couples, to the embarrassment

holiday minn dawn li jkunu all inclusive, u kellhom prezzijiet specjali għall-koppji, pero t-travel agent kellu policy li ma tinkludix same sex couples..."

"I had a diamond flypass for AirMalta – one of the privileges is that you can enter the business lounge with your spouse or partner...once I tried to get my partner in and they did not allow me...it is very embarrassing and demeaning...Once I tried to book a holiday of those that are all inclusive, and they had special prices for couples, but the travel agent had a policy that did not include same sex couples..."
(SO2: Gay 51-60)

Insurance

Discrimination in the field of insurance was experienced predominantly by the gay male respondents. No incidents were reported by trans interviewees. Most of these referred to being considered a high risk group for HIV, which may result in having to pay higher premiums and having to answer at times intrusive questions about their sexuality. One respondent said that the insurance assumed that the person was gay because he was a dance teacher and consequently the insurers requested he take the HIV test. Another interviewee stated that he recently needed to take out an insurance policy and found no difficulty although his health insurance does not cover him for HIV.

"On taking out a life policy, my partner was requested to take an HIV test on discovering that he was a dance teacher. On top of that the premium was increased considerably because he was a high risk." (SO11: Gay 41-50)

"I just insured my place. I am on a health insurance. HIV you are not covered." (SO16: Gay 51-60)

A case that could apply to any same sex couple related to a travel insurance that was one of the benefits pertaining to a particular bank card. The insurer, in this case a bank, refused recognition of cover to the partner when the couple had to cut a holiday short due to the death of a parent despite spouses and partners being covered by the policy and only conceded following legal action. The interviewee admits to feeling very stressed at having to deal with this discrimination over and above the natural grief caused by the sudden death of a parent.

"Darba konna morna fuq cruise. u waqt li konna hemm missieri miet...u allura kellna nigu lura...jien kelli gold card tal-bank u din

maghha ikollok l-insurance – din it covers spouses and partners – jien kelli problema kbira sabiex jaccettaw illi jkopru lill-partner tieghi permezz ta' din l-insurance...spiccajt kelli nikteb ittra bl-avukat u niehu affidavit... din il-bicca xoghol giebitli hafna stress... fl-ahhar, wara hafna battikati, accettaw..."

"Once we had gone on a cruise, and while we were there my father passed away...and so we had to come back...I had a gold card from the bank and this has insurance attached to it – it covers spouses and partners – I had huge problems to get them to cover my partner through this insurance...I ended up having to send a letter through my lawyer and taking an affidavit...this caused me a lot of stress...in the end, after much hassle, they accepted..." (SO2: Gay 51-60)

One incident was reported relating to differential treatment when accessing banking services. An interviewee was refused service at a bank and she believed that this might have been due to her appearance which could have led the cashier to assume that she was gay.

"Once I went to the bank. I had woken up and just put on a baseball cap and a pair of track pants and the cashier refused to see me. I went home showered, put on smart clothes and perfume and when I went back then she was ok." (SO25: Lesbian 18-30)

Trans Identity

In the case of a FTM trans respondent, a parent who had yet to come to terms with the gender identity of his son would call him by his female name attracting unwanted attention and exposing his trans identity.

"Meta mmur nixtri skont ma' min inkun. Missieri ghadu jghajjali ta' tifla allura tal-hanut iharsu naqra minn fuq s'isfel tipo dan x'qed jghid imma l-bqija ok. Ara ommi ta' tifel tghajjali allura maghha ma jkollix problemi."

"When I go shopping it depends on who I'm with. My father still addresses me as a girl and so the shopkeeper looks at me from top to bottom as if to say what is he saying, but otherwise ok. My mother on the other hand addresses me as a boy and so with her I don't have problems." (SO12: FTM 18-30)

A trans respondent recounted having to answer embarrassing questions on presenting herself at a bank when the name on her ID card and the name on a cheque did not match.

"Gieli kien ikolli xi cheque in my former name...u allura l-isem ma jkunx jaqbel – kien ikolli noqghod nghid l-istorja ta' hajti lill-persuna li ma nathiex minn Adam – mhux tort taghhom, ghax dawn iridu jivverifikaw – imma ghalija tkun imbarazzanti hafna."

	Male	Female
Social Benefits		3
Perceived police transphobia		3
Perceived police homophobia	1	2
Foster care and adoption		2
Government plots for couples	1	
Trans Prisoners	1	
Blocking of LGBT websites	1	
Trans Identity		1

Table 6

"At times I had a cheque in my former name...and so the name did not match – I would have to recount the story of my life to a person I don't know from Adam – its not their fault, because these need to verify – but for me it was very embarrassing."
(SO13: MTF 41-50)

Public Services

The lack of legal recognition of same-sex couples gave rise to different treatment such as in access to housing schemes, in fostering and adoption, in accessing unemployment benefits and filing of joint tax returns. One parent was concerned about what would happen if she passed away since her partner had no legal relationship to their child. She was also frustrated that the system seemed to classify her as a single parent for tax purposes but then when it came to her applying for unemployment benefit they were considered to be a couple (SO18). The presence of a same-sex partner could also be questioned when accessing public services with one respondent feeling she had to hide the relationship. An interviewee employed with the civil service remarked that all LGBT websites are blocked on the government's internet system (SO10).

"(M)y partnership is not recognized in any way and cannot be legalized in Malta so at this stage I cannot even benefit from any tax reductions or incentives as any other 'legalised' couple can!"
(SO24: Lesbian 31-40)

Once I had some problems at work and went to DIER with my partner and was asked explicitly 'Din x'qed taghmel hawn? (What is she doing here?)' I told him she's just a friend and came to keep me company and he didn't make any more comments.
(SO22: Lesbian 18-30)

Three incidents of perceived homophobia by the police were reported. An interviewee who admitted to getting into trouble with the law reported being shouted at by a police officer who passed comments about her appearance. She was uncertain whether this was because she looked gay or because of her piercings and tattoos. One respondent remarked that it was hard for the LGBT community to trust in the police. He felt that the police failed to respond in a timely manner when a gay man's home was vandalized and only intervened when the case was publicized in the media. A lesbian felt it was not safe to reveal her sexual orientation to the police following disparaging comments about an incident involving a trans victim.

"The Police Sergeant there started shouting in my face and passing comments like 'You think you're cool because of the way you look'."
(SO21: Lesbian 18-30)

"Il-gay community nahseb m'ghandhiex fiducja fil-Pulizija biex taqbez ghalihom – m'hemm hate crime legislation – lanqas biss izommu cifri ta' kemm isiru abbuzi fuq persuni gay...allura l-haga tibqa' taht ir-radar u m'hemm impenn politiku biex l-affarijiet jinbidlu..."

I think the gay community does not have any confidence in the Police to defend them – there isn't hate crime legislation – they do not even keep statistics of the number of abuses on gay persons – so the issue remains under the radar and there is no political will to change things..."
(SO2: Gay 51-60)

Trans Experiences

Three incidents of perceived transphobia by the police as well as two concerns relating to the treatment of trans prisoners were mentioned. In one case a woman who reported being sexually harassed by a stranger in Valletta recounted how the next day she was called to the police station for questioning since the same man had allegedly gone on to St Julian's where he raped a transgender woman. The interviewee felt that the comments made by the police about the trans victim were disrespectful. She also felt she had to hide her sexual orientation. A trans respondent also experienced harassment by police when she was stopped at a roadblock and in a separate incident where police were called to intervene in a domestic dispute between her parents. Concern by one interviewee was also raised at the way trans prisoners were treated by prison wardens and at prison policies which often housed trans women in the male section despite identifying and presenting as women.

"I was walking after work and a man stopped me and started harassing me. He grabbed my breast. I went to the police station and filed a report. Apparently this guy had gone to St. Julians after and raped someone. The day after I was asked to go to Depot to give a statement. When I was giving my statement about this and I got to know that the person who was raped was transgender and the police said 'u iija ejja nkellmu lil din ghax din ahjar' (come on let's talk to this one, cause she is better). I felt that they put down the other person."
(SO19: Lesbian 31-40)

"(Q)abel biddilt id-dokumenti, kienu waqqfuni f'roadblock – kelli nuri l-licenzja b'ismi ta' qabel...kelli kollox in order – licenzja mhallsa, no drugs or alcohol – izda kif raw l-ID infexxew f'xebgha dahk, harguli kollox mill-bagoll, jidhku bejniethom, u hafna mistoqsijiet – fejn sejra, x'int taghmel – ma kontx la kriminali..."

"Before I changed my documents, they had stopped me at a roadblock – I had to show my licence with my previous name... everything was in order – the licence was paid, no drugs or alcohol – but as soon as they saw the ID they burst into laughter, took everything out of the booth, laughing among themselves, and lots of questions – where are you going, what are you doing – I wasn't a criminal..."
(SO13: MTF 41-50)

"(I)l-pulizija gie aggressiv u qalli 'kieku kelli tifel bhalek kont noqtlu'."

"The policeman became aggressive and told me 'if I had a son like you I'd kill him'."
(SO13: MTF 41-50)

A trans respondent entitled to a water and electricity subsidy felt that before she was able to change her documents, her privacy was invaded every time she needed to approach the department. This was due to a lack of awareness and sensitivity on the part of the clerical staff rather than any malicious intent but she still felt exposed and at risk and did not look forward to undertaking these errands.

"(Q)abel ma kelli d-dokumenti in order...mhux ghax kattivi imma sakemm jifhmu – ghalija kienet tkun imbarazzanti – peress li niehu s-servizzi socjali – ghall-beneficcu tad-dawl kelli mmur l-Enemalta u kien

	Male	Female
Discrimination following public display of affection	6	1
Harassment on beach	1	
Trans Identity	1	1
Name calling and ridicule		2
Attacked outside gay club	1	

Table 7

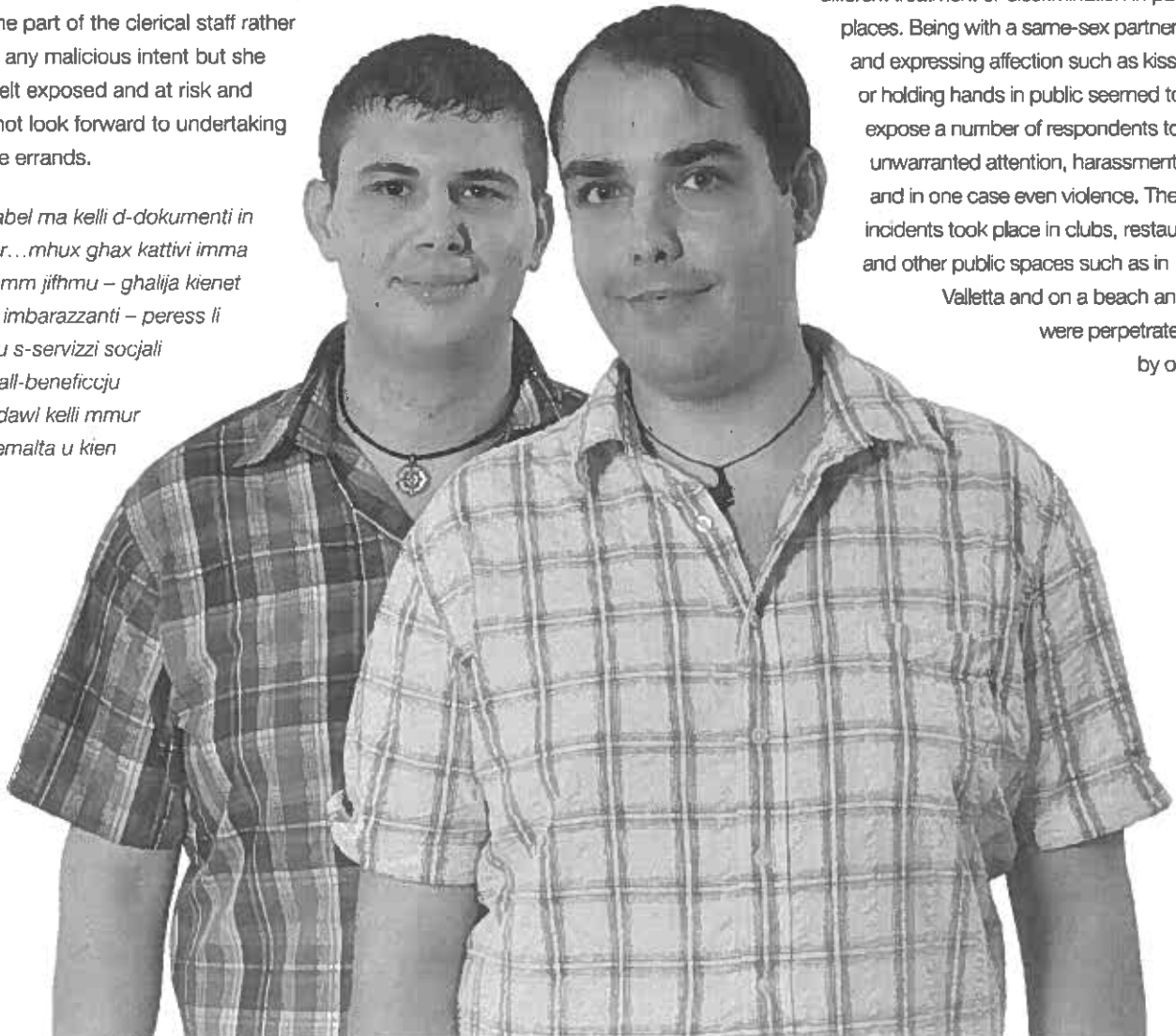
ikolli noqghod nghidilhom kollox – kont inqum bid-dwejjaq, nghid ara ha mmur nehlisha – qisu l-privatezza tieghi ma tezistix u thoss li 'I can become a victim at any time'. La kienu jippruvaw iwaqqghuni ghac-cajt – just ma setghux jifhmu x'inhu jigri – jien kont inhossha ingustizzja li nikkaf il-hajja privata tieghi ma nies li ma nafhomx biex niehu li haqqni..."

"Before I had my documents in order... not because they were cruel but until they understood – for me it was embarrassing – since I receive social services – for the water and electricity benefit I had to go

to Enemalta and I would have to stay telling them everything – I would wake up depressed, I'd say look let me go and get it over with – as if my privacy did not exist and you feel that 'I can become a victim at any time'. They did not try to ridicule me – just that they didn't understand what was happening – I would feel it was an injustice to reveal my private life to people I did not know to have what was my due..."
(SO13: MTF 41-50)

Public Spaces

Thirteen incidents were identified relating to different treatment or discrimination in public places. Being with a same-sex partner and expressing affection such as kissing or holding hands in public seemed to expose a number of respondents to unwarranted attention, harassment and in one case even violence. These incidents took place in clubs, restaurants and other public spaces such as in Valletta and on a beach and were perpetrated by other





patrons, owners, security personnel and staff. Being seen coming out of a gay venue could also expose one to violence and make one a target as happened to one of the respondents (SO9).

Places frequented by young people such as cinemas and shopping centres were also identified as carrying a greater risk and an increased likelihood of ridicule and homophobic language (SO21). One of the older respondents felt that hiding his sexual orientation was a way of staying safe and that those of his generation travelled to foreign cities if they wanted to have fun and be themselves in entertainment venues.

Occasionally someone intervened to protect the victim and stop the harassment. At other times the harassed persons chose to stop frequenting the places which condoned the abuse.

"Jekk tidhol mal-partner x'imkien iharsu u jidhqu. Thossok qisek ghandek tliet idejn. Infatti anke l-Valentine's nevita li nohrog."

"If you go in somewhere with your partner they look and laugh. You feel as if you had three hands. In fact I even avoid going out on Valentine's."
(SO4: Gay 18-30)

"(M)aybe because I am older. I never behaved openly gay although as I said I was in a long term relationship...in our days if you want to let go and have fun you'd go to London or Germany and there still, you'd only go to certain places if you really want to be yourself and have fun... here in Malta I act pretty straight although by now everyone knows what I am!"
(SO1: Gay 61+)

"Once someone stopped me because I was holding my boyfriend's hand and started shouting at me in front of everyone...it escalated into a massive fight..."
(SO7: Gay 31-40)

"Once I went to a jazz club with a friend of mine...he was with his partner who had just come back from abroad...dan hin minnhom tah bewsa... l-owner gie fuqna u talabna nohorgu 'l barra...qal li ma jistax ikun li jsiru dawn l-affarijet fil-pubbliku... issa din kull ma kienet bewsa zghira... wara hafna protesti dawn hargu..."

"Once I went to a jazz club with a friend of mine...he was with his partner who had just come back from abroad...at one point he kissed him...the owner came up to us and asked us to leave...he said that its not acceptable for these things to happen in public...now all this was is a small kiss...after many protests they left..."
(SO2: Gay 51-60)

"I was walking towards the fountain in Valletta with my then girlfriend. We were simply holding hands, nothing in any way offensive to other people. An old woman, maybe early seventies, looked at us and started shouting for all to hear in Maltese "look at these two, look how silly they look". Obviously we went red in the face and everyone began to look at us. Then a middle aged man looked at her and said "what? I see nothing wrong" he smiled at me and kept walking. I am still thankful to him till today for stopping what could have ended up as a very bad situation." (SO21: Lesbian 18-30)

"Darb'ohra konna morna ghal-fenkata f'wiehed minn dawn il-bars fil-kampanja... konna ghal kwiet u konna qed niehdu gost...imbaghad dahlu klikka kbira guvintur... ahna konna qeghdin inzommu idejn xulxin ... kif indunaw dawn beda hafna abbuż verbal... ara dawn il-puġġi u kliem bhal dawn... spiccajna kellna nieklu malajr u nitilqu 'l barra... l-owner m'ghamel xejn, iktar kien qisu parti minn din il-klikka... kien jidher li kien jafhom..."

Another time we went to eat rabbit in one of these bars in the countryside... we were sitting quietly and we were enjoying ourselves... then this big group of young men came in... we were holding hands... when they noticed a lot of verbal abuse started... look at these poofs and words like these... we ended up having to eat quickly and leave... the owner did not do anything, he seemed more part of the group... it seemed that he knew them..." (SO2: Gay 51-60)

"We were a small group (5 people) having a beach BBQ in the evening (on Mellieha Bay). Another family doing the same, after realizing that me and my partner were gay, started to throw potatoes at us. When I approached them about this (they hit a female friend of mine in the back with a potato). The two adult men proceeded to beat me up... We had done absolutely nothing whatsoever to instigate this attack..." (SO6: Gay 18-30)

Other

Respondents were given the opportunity to put forward other incidents that they thought were relevant and wished to mention and five such incidents were reported.

One of the respondents felt that the nature of the online comments on newspaper websites verged on hate speech and needed to be regulated.

"Hawn Malta nahseb li n-nies gay huma accettati, imma in-nies jithallew juzaw kliem 'disparaging' hafna. speċjalment meta jiktbu fil-blogs tal-gazzetti... kliem vjolenti..."

"Here in Malta I think that gay people are accepted, but people are allowed to use very disparaging language, especially when they write on newspaper blogs... violent language..." (SO2: Gay 51-60)

Reference was also made to the way that society and the state portrayed the parenting skills of lesbian, gay, and transgender persons as somehow deficient and in some cases even abusive of children.

"My aunty said to my partner comments like 'when a child is made out of love its different'." (SO18: Lesbian 31-40)

"I had two friends who are gay and adopted 2 boys. These boys came from a very bad environment. My friends took them and gave them a good life... I don't believe that if a gay couple adopts a child, they will sexually abuse her." (SO16: Gay 51-60)

One respondent was being harassed by relatives following a family dispute. Another five interviewees had knowledge of friends or acquaintances who were

harassed and abused by family members.

"At the moment my sister is separating and her husband and their kids (my nephews) are harassing me, spreading rumors about me etc. When I meet them in the street they shout out the big word *Lizbjana* (Lesbian)!" (SO20: Lesbian 41-50)

"Iva mill-familji taghhom... Zghazagh gay ibatu stalking, vjolenza fizika u morali. Il-Missier kien jsawwat guvni ghax gay. Kien hemm tfajla kienet tissawwat bic-cinturin minn omma ghax gay. Kien hemm guvni kien rceva stalking mill missier. Il missier spicca jsawwat kemm it-tifel u kemm il-partner."

"Yes from their families... Young people suffer stalking, physical and moral violence. A father used to hit his son because he was gay. There was a young woman who was beaten with a belt by her mother because she was gay. There was a young man who was stalked by the father. The father ended up beating the son as well as the partner." (SO15: Lesbian 18-30)

"I have heard of a case where a gay man was being abused by his own father because he was gay. He was hit and bullied by his father." (SO23: Lesbian 31-40)

"My dad didn't take it too lightly but there was never physical violence." (SO8: Gay 31-40)

"My mother used to make a lot of comments and remarks when I started hanging out with lesbians. I lead a very closeted life with my family. I was very confused and scared and could never face her (my mother). But I'm still very scared of that word. But now it stopped. Now I'm open so it's ok but with my mother it's still something that is not mentioned." (SO20: Lesbian 41-50)

At times the friends of LGBT people also became targets. Being seen in the company of an LGBT person also led to the assumption that the person was gay or lesbian. This could make it difficult to maintain friendships or lead to being outed if one was still in the closet.

"It-timbru by association jaffettwani hafna (Being labelled by association affects me a lot). For example if I am seen having a coffee with someone who is openly gay then it is assumed that I am gay...I consider myself as still closeted. I am not out at work and some of my family." (SO23: Lesbian 31-40)

"L-ikbar habiba tieghi hija straight. Meta l-ex taghha sar jaf, kien jibghatli li jien jaqq u missni nisthi u ma kienx ihallha tillaqa' mieghi. Issa hassru u ergajna qed nittaqqhu u darba qaltu li qed terga' tillaqa' mieghi u qallha 'qed terga' tillaqa' ma dak il-hmieg?' Jigifieri dan ghalih jien hmieg."

"My best friend is straight. When her ex came to know he used to send me messages saying I'm yuck and that I should be ashamed of myself and he wouldn't let her meet with me. They broke up and we are meeting again and once she told him that she was seeing me again and he told her 'you are meeting with that dirt?' So for him I am dirt." (SO12: FTM 18-30)

A trans interviewee felt that the fact that, as things stood, she could marry neither a man, nor a woman was a violation of her rights.

"Inwegga hafna li jien persuna 'marryless' - la nista' nizzewweg mara u lanqas ragel...Id-dritt taz-zwieg ma jezistix ghalija."

"I feel very hurt that I am a 'marryless' person - I can neither marry a woman nor a man...the right to marriage does not exist in my case." (SO13: MTF 41-50)

A trans person also remarked that he found it embarrassing when people who knew him outed him against his wishes.

"Haga li ddejjaqni hi li nies jtkellmu ghalija tipo jghidu lil haddiehor li jien tifla. Anke din il-habiba tieghi. In-nies kulhadd tifel jahsibni ghax veru ma nidhirx. U meta kienu jghajtuli ta' tifel kienet tghidilhom dik tifla ta. U darba ghidtilha li niddejjaq. Issa m'ghadhieq taghmel."

Knowledge of Legislation

Interviewees were asked which of the areas of employment, housing, education, access to goods and services, healthcare and social protection were covered by anti-discrimination legislation on the grounds of sexual orientation. Eighteen of the twenty four respondents were aware of anti-discrimination in the field of employment but only seven of these knew that such protection was restricted to employment. Six respondents thought

	Gay	Lesbian	Trans
Weekly	1		
Monthly	1	3	
Every three to six months		1	
Once a year	2		
Less than once a year	2		1
Other - can't really say as everything is hush hush		1	

Table 8

"Something that bothers me is that people speak for me like telling others that I am a girl. Even this friend of mine. People all think I am a boy because I really don't show. And when they used to address me as a boy she would tell them she's a girl. And once I told her that it bothers me. Now she doesn't do it." (SO12: FTM 18-30)

Frequency of incidents

The frequency of homophobic and transphobic incidents experienced by twelve of the twenty five interviewees ranged from weekly to less than once a year.

A couple of respondents also attributed this to the fact that one becomes immune to such incidents over time. Others are not necessarily out to family or work colleagues and therefore are less likely to be discriminated against. A trans respondent remarked that things improved considerably once she was able to change her sex annotation on official documents.

that such protection existed in the area of housing, seven in the area of education eight in access to goods and services, nine in the area of healthcare and ten in the field of social protection.

Claims

Only three of the respondents had ever lodged a complaint due to discrimination on the basis of sexual orientation or gender identity. Two of these were through a private lawyer. One case was in relation to extending the travel insurance to the partner. The NCOPE and DIER were not approached since both had no remit, the former because they did not cover sexual orientation and the latter because they were limited to discrimination in employment. The second case was due to wrongful dismissal of a teacher. The third case was made to the social security appeals board with the assistance of the Malta Gay Rights Movement. The issue revolved around whether the respondent who was unemployed should be classified as a single parent since her partnership

was not recognised for tax purposes or as a dependent of her partner who was being considered the head of household with a reduction in social security entitlements.

When asked who they would turn to for assistance should they ever need to make a claim eleven stated that they would seek help from a private lawyer, six would approach the Malta Gay Rights Movement, three would go to NCPE, one would call ETC and another would rely on supportive friends. A greater number (18) of those interviewed were aware of the Department for Industrial and Employment relations. Fifteen had heard of the National Commission for the Promotion of Equality. Most had never sought their assistance since the need never arose. One interviewee remarked that bringing a case forward often meant being willing to face the publicity that ensued and this could be offputting.

"Seta kelli kaz imma l-bicca tax-xoghol hija din li Malta tant hija zghira li (I could have had a case but the thing is that with Malta being so small that) to pursue it people will manage to make your life even more miserable. Like with my case if I had to pursue it the guy knows so

Private Lawyer	11
Malta Gay Rights Movement	6
NCPE	3
ETC	1
Other (Supportive friends)	1

Table 9

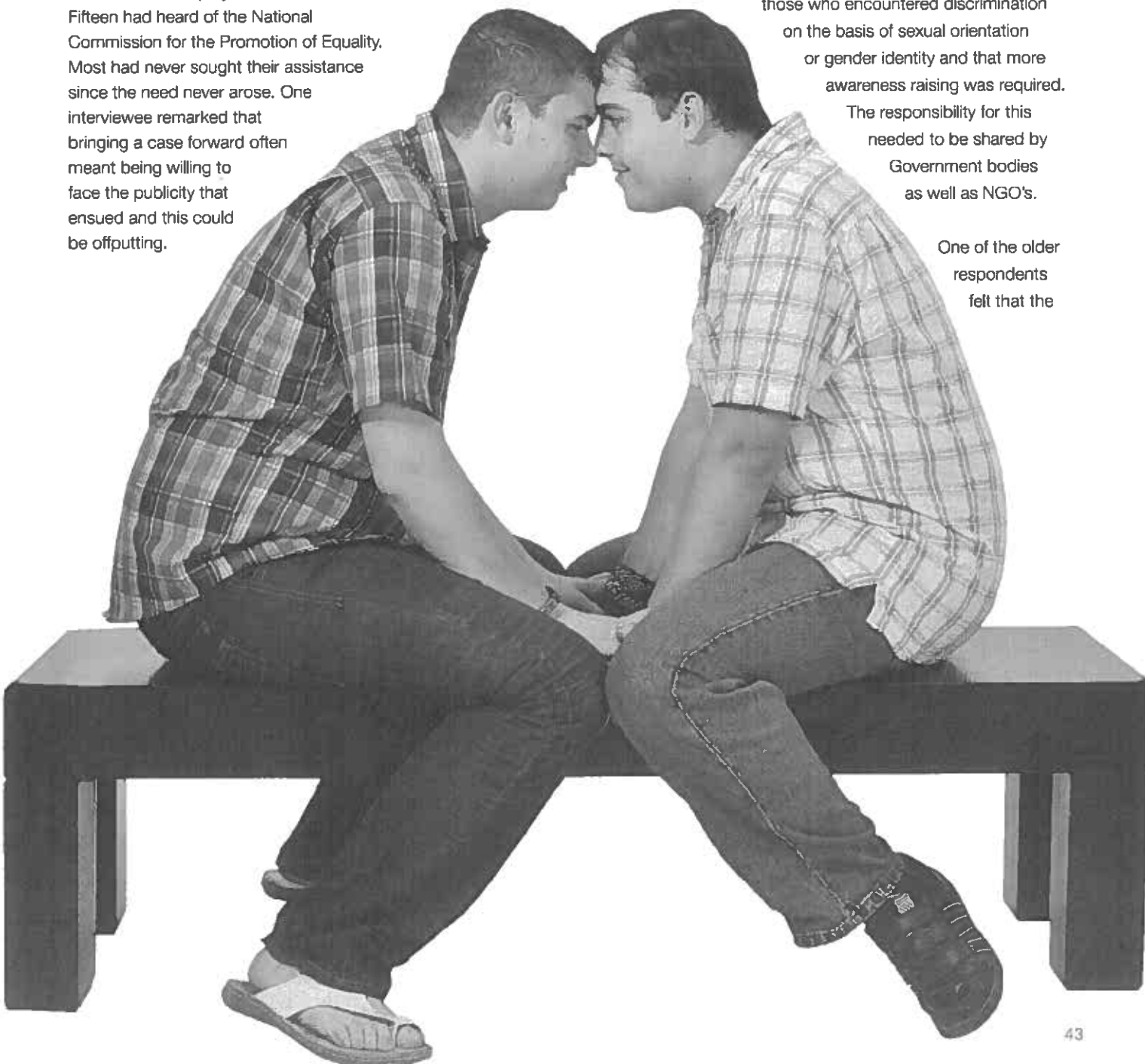
many people that i would never have had another job in my life... Trid taccetta li hajtek tigi front page news u jekk hajtek tkun front page news anke interview tbati (You have to accept that your life becomes front page news and if your life becomes front page news you will suffer even during job interviews)."
(SO19: Lesbian 31-40)

Redress

Four of the research participants felt that they did not know enough about the measures of redress currently in place for those who encountered discrimination on the basis of sexual orientation or gender identity and that more awareness raising was required.

The responsibility for this needed to be shared by Government bodies as well as NGO's.

One of the older respondents felt that the



expectations of the LGBT community increased as societal attitudes towards them improved and that they were therefore no longer prepared to just put up with inequality as happened in the past. Not sure why this is here? Kindly explain.

"I think there needs to be more action, especially since people are now more aware and therefore their expectations are higher...at least before we didn't really expect anything, we accepted our situation and learnt how to live with it!"
(SO1: Gay 61+)

Different areas of discrimination were highlighted such as the lack of recognition of same-sex couples, parenting and adoption rights, the lifetime blood donation ban on gay men, the difficulties encountered due to the change of sex annotation on documents being restricted to post-operative trans persons, the absence of hate crime legislation, lack of anti-discrimination legislation in all spheres of life and the dearth of available data on homophobic incidents. Interviewees perceived little scope for action on their part due to insufficient legislative measures in place. There was also a lack of political will to address these issues.

"I think that there should be legislation which protects against discrimination in all sectors of life. I believe that there should be one national equality body which protects on all grounds of discrimination. It does not make sense to have all this fragmentation."
(SO25: Lesbian 18-30)

"L-entitajiet rilevanti m'gandhomx remit (the relevant entities have no remit) – there needs to be anti discrimination for goods and services; also we need marriage equality or civil partnership legislation and not just cohabitation which is insulting ghax (as) they are putting loving relationships at the same level of relationships between siblings or relatives... Hate speech should be

*criminalized, with aggravating factors if motivated by sexual orientation...
Hawn bzonn ukoll ta' hafna iktar data collection, lanqas biss nafu kemm hemm persuni li jaghmlu ilmenti jew jinghataw assistenza (There needs to be much more data collection, we don't even know how many people there are who lodge complaints or receive assistance)..."*
(SO2: Gay 51-60)

"(T)he fundamental right for a gay couple to be recognized as a COUPLE in the eyes of the law has yet to be implemented."
(SO11: Gay 41-50)

"Nixtieq li l-ID card tinbidel minghajr operazzjoni...lest inhallas xi haga tal flus. L-operation hi expensive hafna u ma nafx ghaliex ma jaghmlux l operations tal gvern. Probabbli ghax dawn ma jkunux ghaddew minnhom u ma jafux x'jigifieri. Veru nisthi. L-ikbar issue f'hajti hija din tal-ID card...Kulhadd jahsibni tifel allura l-ikbar problema hija meta jkolli nuri l-ID card."

"I wish that the ID card can be changed without having to go through surgery...I am ready to pay something for this. The surgery is very expensive and I don't know why it is not covered by the government. Probably because they have not been through it and don't know what it means. I am so embarrassed. The biggest issue in my life is this ID card thing...Everyone thinks I'm a boy so my biggest problem is when I have to present my ID card."
(SO12: FTM 18-30)

Reference was also made to the need to protect the victims of discrimination. It was thought that seeking redress would lead to unwarranted publicity in the media. One respondent did not believe that the police would take the necessary action had he to lodge a report and would therefore not seek redress even if this were available.

"I'm not confident that if I go to the police they will take the necessary action."
(SO4: Gay 18-30)





"Hafna nies jibzghu li jekk jirrapurtaw jispicaw fuq il-media."
(SO15: Lesbian 18-30)

"I don't see that they protect the victim in that they don't protect the anonymity ma jindux (they don't take) all the procedures necessary to make the person not go through all the humiliation all over again."
(SO19: Lesbian 31-40)

Conclusion

This chapter presented the experiences of the various research participants exposing a number of homophobic and transphobic incidents that ranged in severity from unwarranted looks and glances to outright violence. In between were experiences of discriminatory treatment in the provision of goods and services, ridicule and harassment from a variety of actors leading to feelings of embarrassment and low self-esteem, exclusion from public places, a loss of trust in service providers and higher financial burdens. Trans people appeared to be particularly effected by the difficulty in changing their name and gender annotation on their ID card.

Analysis and Discussion

This chapter will seek to discuss the main themes and issues raised by this study based on the findings presented in the previous chapter. These served to reveal and corroborate that differential and discriminatory treatment in respect of the LGBT community continue to prevail.

Employment

The findings seem to indicate that coming out or being out at the place of work can still prove problematic and that LGBT people are not free from harassment and discrimination in the workplace

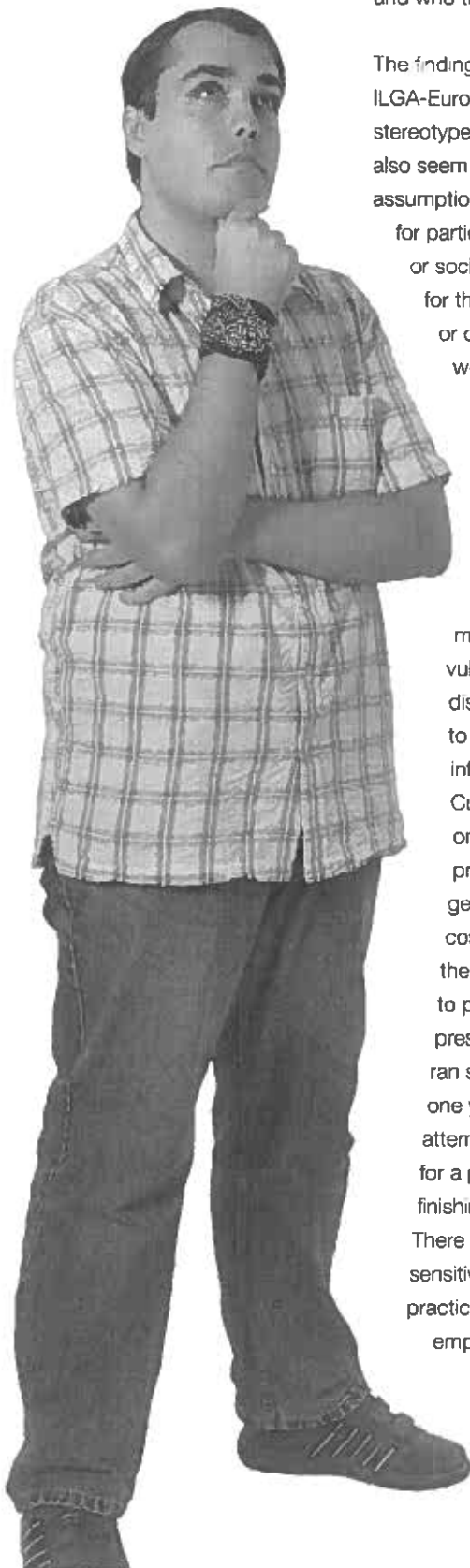
despite the comprehensive legislation in place since the transposition of the EU Employment Framework Directive. LGBT employees still feel they need to assess the level of risk and acceptance that exists among employers, managers, colleagues and clients before considering it safe to come out. The findings indicate that this also entails policing one's appearance at job interviews ensuring that it is not too effeminate in the case of gay men or too masculine in the case of lesbians. Concealing one's sexual orientation or gender identity can be a stressful endeavour whereas being out enables lesbian and gay employees to bring their whole self to work and enables them to participate fully in the workplace with less energy spent on hiding their identities and constantly being on guard.

As highlighted in the Council of Europe study⁴³, the harassment often took the form of homophobic language and sexually explicit remarks that denigrated LGBT employees. When this took place on a regular basis it gave rise to a great deal of stress. When comments were reportedly made behind the LGBT person's back they served to silence other gay and lesbian employees who might not have been out. Occasionally this homophobia could spill over into one's private and social life as happened. Malta being such a small country the likelihood of a chance encounter with clients or colleagues outside of the work environment is probably rather high.

The findings indicate that self-employed persons or those working in a family business may be at a lesser risk of harassment and discrimination from their employees since they have a greater degree of control and authority over their careers and employees. However, a self-employed service provider such as a doctor, dentist or maintenance person may still encounter difficulties when their

⁴³ Council of Europe; *Discrimination on grounds of sexual orientation and gender identity in Europe*; June 2011

client base discriminates by not taking their services. . . While some measure of redress if discriminated against by companies or legal entities could be sought there is no such compensation when clients are individual persons who may simply opt for a different service



provider. Moreover, while legislation can protect somewhat against overt forms of discrimination related to recruitment, career advancement and against all forms of harassment, it is difficult to regulate social interactions such as the amount of interest shown in a colleague, the number of conversations undertaken, and who they spend their break with.

The findings appear to corroborate the ILGA-Europe⁴⁴ study that found that stereotypes faced by LGBT people also seem to have an impact where assumptions are still made about suitability for particular jobs. Thus a gay teacher or social worker is deemed to be unfit for the job whereas a hairdresser or creative marketing manager would have no such difficulty.

The findings also highlighted how the current legal requirements for a change in sex annotation on ID cards and other official documents to be effected may make trans persons more vulnerable to harassment and discrimination and may lead to their right to privacy being infringed on a regular basis. Currently, such annotations can only be accessed through a court proceeding following irreversible gender confirmation surgery the cost of which is borne entirely by the trans person. The reluctance to put oneself in situations where presenting an ID card was required ran so deep that it prevented one young trans man from even attempting to seek employment for a period of three years after finishing compulsory schooling. There also appears to be a lack of sensitivity and awareness of good practice when dealing with trans employees such as ensuring that

they are treated according to the gender in which they present and ensuring confidentiality of their trans status. This could entail providing uniforms of the preferred gender, the use of name tags or email addresses reflecting the chosen name and allowing use of toilet facilities based on their gender identity. All of these can be done at no additional cost to the employer.

The lack of legal recognition of same-sex couples with all the attendant rights and responsibilities also places LGBT persons at risk of discrimination in employment should the relationship break down. This seemed to be the case where one of the research participants shared a business with an ex-partner with whom he had a long-term relationship. Although the research participant was the injured party, having been left by his partner for another man, he had to suppress his hurt in order to maintain some sort of working relationship and not lose the business he had built up over many years.

It is worth noting that even those interviewees who had experienced harassment and discrimination could identify situations where employers, colleagues and clients were more accepting of them or other LGBT workers.

The findings also indicate that LGBT workers are not simply submissive victims but are able to defend themselves in various ways such as by taking legal action as in the case of wrongful dismissal and harassment by a service user of a professional following a chance encounter in a gay club. Also refusing to follow instructions such as in the case of a trans employee who kept requesting the preferred name tag, and showing disapproval of homophobic comments. While in some cases speaking up did stop the abuse there were other reported incidents where this was not

⁴⁴ Quinn S. and Paredis E., 'Going beyond the law: promoting equality in employment', ILGA-Europe, Brussels, 2007

the case and where the harassment was allowed to continue. According to the ILGA-Europe study mentioned above this might be due to hesitation on the part of employers to tackle what they perceive to be difficult issues as well as ignorance of the effects that such harassment can have on employees.

Housing

Discrimination in the area of housing emerged as less frequent than that in employment or education. This might be due to the fact that eleven out of the twenty five persons interviewed lived with family members and a further seven lived alone. Only seven of the participants were actually cohabiting at the time the study was carried out. When harassment or discrimination did occur it could still have a significant and long term impact on the person's life. This appears to be the case particularly when the harassment is perpetrated by neighbours and makes the person feel uncomfortable or violated in their own home. In both such incidents reported in this study the harassment involved same-sex couples. This might indicate that being perceived as a same-sex couple could exacerbate homophobic attitudes and behaviour. For one respondent the repeated harassment by the neighbour resulted in the decision to escape by giving up their rented home and seeking a new residence. Such action might have been more difficult to pursue had the property been purchased rather than rented. The absence of any legal recognition of same-sex partnerships may act to reinforce and justify such homophobic attitudes as it could indicate societal disapproval or lack of esteem of same-sex relationships.

Other experiences involving same-sex couples were somewhat less tangible such as the awareness of being perceived as different and somewhat undesirable

by neighbours and not being taken seriously by property negotiators or real estate agents. One respondent claimed that he feared that attitudes towards him would change once his partner moved in with him which seems to bear out the hypotheses that the experience of the LGBT community is one where same-sex couples are more likely to stand out and attract negative attention. The findings also seem to suggest that the lack of legal safeguards for same-sex couples could leave LGBT persons without redress when their relationship broke down. It also excluded them automatically from all housing schemes that were aimed at married couples or those intending to get married. In one case where the respondent left her partner due to alcohol abuse and domestic violence there was no remedy she was aware of that would allow for her to recoup the money and effort invested in improving their home and she was left struggling financially while her abusive partner continued living in the home they had built together. While there could be legal safeguards currently available to protect cohabiting couples many do not have the foresight to plan for the eventuality of a breakdown in the relationship. Campaigns aimed at reaching out to those with substance misuse problems or domestic violence victims are rarely, if ever, targeted specifically at the LGBT community possibly making it less likely that they will seek assistance and support.

For trans persons the conditions in place to change sex annotations on their ID card, were once again highlighted as a risk factor. The dissonance between the name and sex on the ID card and the preferred gender identity and gender expression coupled with the desire to protect ones privacy, lead one participant to rent a property in her boyfriend's name despite the fact that she was the one paying the rent and living in the

property. While recognising full well that should her relationship break down, this could be used against her, she still felt compelled to keep her trans status private. This issue of gender annotation is a recurring theme throughout the study and appears to have a negative impact on all spheres of life of transgender persons.

The findings also point towards the effect of heterocentric bias of service providers which results in lesbian and gay persons feeling uncomfortable when questions are posed on the assumption that they are heterosexual. This points towards a lack of equality and diversity training of service providers which could help to increase sensitivity towards the LGBT client group and ensure that, among other things, gender neutral language such as partner rather than husband or wife is used. Stereotypes of gay men having well kept homes could in some instances work in their favour with landlords viewing them as suitable tenants who would take good care of the property.

Healthcare

In corroboration of the MGRM 2008 study⁴⁵ the lifetime blood ban for men who have sex with men (MSM) was the most frequently highlighted area of discrimination in the health sector. Eight research participants commented on the ban and these included a lesbian participant who revealed that she lied about her sexual orientation in order to avoid the ban. This may be explained by the fact that despite lesbians not constituting a high risk group for blood donation, they were still excluded until January of 2008 when the National Blood Transfusion Service effected a change in its policy to limit the ban to MSM. The lifetime ban is viewed by the interviewees as perpetuating the stereotype of gay men as promiscuous and incapable of entering and maintaining

⁴⁵ *LGBT Discrimination in Malta. A survey on sexual orientation and gender identity discrimination against lesbian, gay, bisexual and transgender persons in Malta, 2006 – 2008*

stable, monogamous relationships and of stigmatising gay and bisexual men irrespective of whether they engage in risk behaviour. A blanket ban on any man who has ever, even once, had oral or anal sex, however safe, with another man may also serve to undermine confidence in safer sex messages since despite adherence to safer sex guidelines MSM are still considered to pose too high a risk to recipients of blood transfusions. Blood donation campaigns for more donors tend to base their message on the obligation of good citizens to act with a sense of social responsibility and solidarity. The findings seem to suggest that being excluded from such acts of solidarity is hurtful and humiliating and at odds with the LGBT community's self perception as one that should be treated equally and deserving of full acceptance in society.

The three obstacles in accessing healthcare identified in a Council of Europe report⁴⁶ were evident in the survey sample. There is a significant level of mistrust between LGBT patients and their healthcare professionals including the perception that the treatment they receive is worse than that provided to their heterosexual peers; the prejudiced attitude of medical staff towards LGBT individuals; and in countries which do not grant some form of legal recognition to same sex partners, these partners are not recognised as next of kin.

Various examples of these three obstacles emerged from this study. The quality of care received seems to have been compromised due to a practitioner's homophobia. In such cases, rather than seek redress, patients are more likely to leave and seek a more affirmative practitioner. While this might be an effective solution for the individual concerned, the lack of reporting means that the homophobic behaviour goes unchallenged and could

be repeated with other patients.

Hospital policies can also be insensitive to the needs of trans patients particularly when they do not respect the gender identity of the patient, ignoring the gender presentation of the individual concerned and basing their decisions solely on the legal sex. This is particularly problematic since changing one's legal sex can be a lengthy and costly process and is often inaccessible. It has been documented that difficulties with healthcare providers could lead to transgender persons avoiding or putting off seeking medical assistance for fear of inappropriate behaviour.⁴⁷

Prejudiced attitudes of care practitioners were reflected in the alleged difficulty experienced by LGBT patients who were HIV+, and in the assumption that the partner of a patient diagnosed with Hep C was also positive and a source of contamination. This adds to the stigma already experienced by those suffering from sexually transmitted diseases. The refusal to consider a lesbian woman for assisted reproduction since she had no male partner is also discriminatory

The lack of legal recognition of same-sex couples caused difficulties when, on seeking treatment, the presence of partners was questioned by medical personnel. LGBT people reported hostility from some hospital staff. They also identified instances where practitioners treated them with dignity and respect. A distinction was made between private and public hospitals with the former being considered safer and more accepting.

As has often been reiterated, the lack of legal recognition of same-sex couples can give rise to anomalous situations where estranged family members have more rights than long term partners. The respondents were not passive victims but fought for the right to be present

and to support their loved ones. In one case the patient refused treatment unless his partner was allowed to accompany him. This is an added concern and burden that same-sex couples must deal with in circumstances which in and of themselves are already stressful.

Education

Bullying emerged as the predominant form of harassment and discrimination experienced in the area of education with a majority of those interviewed having to deal with one or more incidents at some point of their schooling. Most of these incidents happened in primary and secondary school and the respondents were often targeted not necessarily because they were known to be gay or trans but because of appearance or behaviour that transgressed strict gender norms.

This confirms Lehtonen's⁴⁸ conclusions from studies conducted in Finland that schools are often heteronormative spaces that are unsafe for LGBT children and young people. Students who are gender non-conforming and/or transgender are often thought to be gay, bisexual, or lesbian (even if they do not identify as any of these), which increases the harassment and/or discrimination that they experience. This is because gender discrimination and harassment is often rooted in homophobia, as gender and sexual orientation are seen as interconnected. It was reported that with the most effeminate students, the abuse went beyond homophobic language and included inappropriate touching and even being undressed by their peers. In the case of girls, having short hair and wearing trousers regularly was enough to identify them as different and expose them to bullying. Not having the same interest in dating members of the opposite sex for example, could also give rise to harassment and hurtful comments about their attractiveness with

⁴⁶ Council of Europe Publishing; *Discrimination on grounds of sexual orientation and gender identity in Europe*; June 2011

⁴⁷ Hammarberg, T. (2009) *Human Rights and Gender Identity: Issue Paper*. Council of Europe Commissioner for Human Rights; Strasbourg.

⁴⁸ Lehtonen, Jukka. 2003. *Sexuality and gender in school: The Perspective of Heteronormativity and the Stories of Non-heterosexual Young Persons*. Helsinki: Yliopistopaino & Nuorisotutkimusverkosto.

an MTF trans student recalling that he needed to be constantly on the look out for pitfalls which could result in him being put on the spot by his classmates. Such a degree of watchfulness must inevitably have required a great deal of energy that would have been better spent on learning. Even in those instances where this abuse was perpetrated by one particular student, the effect was still devastating and the victim's self esteem suffered. Corridors and break times seem to be two of the spaces that posed most risk for the LGBT students possibly because they were less likely to be supervised by teachers. Knowing where bullying is more likely to take place can help schools plan better prevention strategies to make the school environment safe. Being ostracised was another of the consequences of being perceived as different and anyone befriending the bullied students often themselves became a target.

Bullying has a negative impact on school safety, school climate and student learning. It can be severe, persistent and pervasive to such a degree that it limits a student's ability to participate in or benefit from an education programme and creates an educational environment that is hostile and threatening. The consequences for victims can include depression, loss of appetite, nightmares, disturbed sleep, low self-esteem and feelings of being sad, afraid, scared, or embarrassed. In terms of student learning, victims report a loss of interest in school activities, increased absenteeism, decreased quality of school work, poor grades, increases in skipping, dropping classes, tardiness and truancy.⁴⁹ All incidents of bullying should therefore be taken seriously by teachers and school administrators.

It is unfortunate that while teachers were only identified as perpetrators by two respondents, several of those who experienced bullying remarked that



teachers often failed to intervene on witnessing homophobic and transphobic bullying incidents. As indicated by Baldacchino⁵⁰, this could be due to the lack of clear policies and training on LGBT issues that could provide the appropriate guidance to teachers on how to act in such situations. Staff might also ignore homophobic bullying because they assume it will be dealt with by someone else, somewhere else, like PSD or Guidance, placing the responsibility on a small group of teachers rather than seeing it as an area which all staff need to address wherever and whenever it is appropriate. Most importantly teachers should be trained and sensitised to ensure that they do not themselves contribute towards promoting homophobia and transphobia within the school environment.

Schools often fail to recognise the extent of homophobic bullying since students might be reluctant to report abuse. This could be addressed by carrying out school climate surveys that assess the degree and nature of bullying in the school.

The research participants highlighted that sexual orientation and gender identity issues were notably absent from the curriculum. The Directorate for Quality and Standards in Education recently launched the National Curriculum Framework, a series of four documents, for consultation. The 2nd General Principle identified in the documents is that of diversity. However while specific mention is made of certain grounds such as "age, gender, beliefs, personal development, socio-cultural background and geographical location"

⁴⁹ Hunt R. & Jensen J. (2007) *The School Report: The Experience of Young Gay People in Britain's Schools*. Stonewall, UK

⁵⁰ Baldacchino Emily, 'Breaking the Silence. LGBT Policies and Attitudes in Maltese Secondary and Post-Secondary Schools' Dissertation submitted in part fulfillment of the B.A. (Hons.) Social Policy, University of Malta, 2009

as well as "(l)earners' identities, their language competence, intellectual abilities, aptitudes, interests and talents"⁵¹ nowhere is there any reference to sexual orientation, gender identity and gender expression. This contributes towards rendering members of the LGBT communities – students, parents, guardians, caregivers, and staff – invisible in the Maltese education system.

Positive images of diverse sexual orientations and gender identities and expression need to find their way into the classroom across all subject areas and the appropriate resources made available to teachers. The report by the Council of Europe's Commissioner of Human Rights indicates that depriving young people from educating themselves about their sexual orientation or gender identity could conflict with the UN Convention on the Rights of the Child.⁵²

Goods and Services

The survey findings show, discrimination in the area of goods and services often occurred by virtue of being with a partner of the same-sex. Incidents relating to individuals were often based on appearance and transgression of gender norms such as a man in a woman's clothing section, a lesbian in casual boy's clothing in a bank, or a trans man being addressed as a female by his resistant father.

For trans persons any service provision that required showing an ID card could potentially give rise to a breach of their privacy when their gender presentation and legal name and gender annotation differed. This includes public services, such as social security offices, health services and employment services as well as private enterprises such as banks. While it was recognised that there was not necessarily any malicious intent on the

part of the service provider, such situations forced them to disclose their trans status to complete strangers which they found demeaning and an invasion of their privacy.

The lack of any legal recognition of same-sex partnerships leads to differential treatment in their respect even when compared to unmarried opposite sex couples. One research participant was keen to point out that the discriminatory incidents experienced were the result of institutionalised homophobia rather than homophobic attitudes of the employees who were simply implementing the policy of the organisation concerned and insisted on the need for legal recognition of same-sex partners through the introduction of marriage equality or civil unions. The heteronormative bias present in the provision of goods and services in some cases results in same-sex couples incurring a financial cost that is higher than that borne by opposite-sex couples for the equivalent good or service. Such experiences also serve to reinforce the notion that same-sex relationships are inferior and not worthy of recognition.

Social security schemes and benefits such as survivor pensions, joint tax returns and inheritance tax, are often limited to married couples meaning that lesbian and gay couples are *de facto* prevented from enjoying social protection which they would be granted if they were in a relationship with someone of the opposite sex. This study highlighted an anomalous situation where a participant who lived with her partner was treated as single when employed, in not being eligible to submit joint tax returns, but as a dependent when she claimed unemployment benefit, with her partner being considered as the head of household. This meant that the couple not only paid more tax but was entitled to less support when one of them was unemployed. This case is currently being reviewed by the Office of the Umpire.

Same-sex couples were also vulnerable to discrimination when in public places such as bars, clubs, restaurants, beaches and streets in a way that they would not have been had they been unaccompanied by a partner. Oftentimes, but not necessarily, this was triggered by a public display of affection that would not have raised any negative reaction had it come from opposite sex couples such as holding hands or a kiss. "Several surveys show that people believe that LGBT persons should not be visible in public, but rather be discreet or confine themselves to the private sphere."⁵³ Owners or members of staff intervened to ask the couple to leave or to point out that their behaviour was not acceptable. In one restaurant where the harassment came from other patrons, the owner failed to intervene to stop the abuse. A violent attack took place in the presence of children and was perpetrated by the children's own parents. It is likely that the message passed on to these children is that it is okay to hit someone because they are gay and that being gay is not acceptable. Such experiences continue to emphasise and confirm the heterosexist nature of public space, one in which LGBT people often feel invisible and where heterosexist norms of behaviour need to be adhered to.⁵⁴

This perception of public space as dangerous is also corroborated by the MGRM survey⁵⁵ which found that only 23% of respondents who were in a relationship did not feel the need to conceal their relationship to avoid violence or harassment.

The gay scene is the exception to this providing a safe space where LGBT people are not required to 'pass' or somehow hold back from expressing themselves. One of the older respondents mentioned that in his time, people generally travelled overseas and frequented the gay scene in cities in the UK and Germany, while acting straight and concealing their sexual

⁵¹ MEEF (2011) *Towards a Quality Education for All: Consultation Document 2 Rationale and Components*. DOSE, Malta

⁵² Commissioner for Human Rights (2011) *Discrimination on Grounds of Sexual Orientation and Gender Identity in Europe*. Council of Europe, France.

⁵³ Commissioner for Human Rights (2011) *Discrimination on Grounds of Sexual Orientation and Gender Identity in Europe*. Council of Europe, France.

⁵⁴ Hall, M. & Griffin, C. (2003). *Being Gay, Being Straight, and Being Yourself: Local and Global Reflections on Identity, Authenticity and the Lesbian and Gay Scene*. *European Journal of Cultural Studies*, 6(3): 404-425

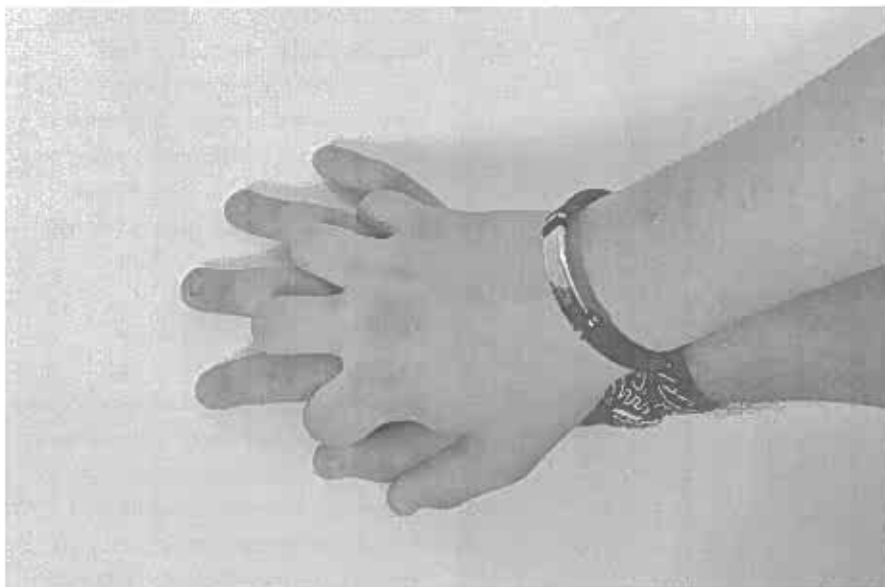
⁵⁵ *Ibid.*

orientation and relationships at home. It is of concern therefore when even these spaces come under threat as was revealed in this study, with one respondent stating that he was repeatedly targeted when exiting a gay venue and another saying that she was harassed by a client while at a gay club and needing police protection.

Five incidents were reported shedding light on homophobia and transphobia within the police force. Four of these incidents regarded transgender persons which seems to indicate that more training is required to ensure that transgender

The importance of police collecting data on homophobic and transphobic crimes was also pointed out. Such statistics could be useful in advocating for the introduction of homophobic and transphobic hate crime legislation.

This research, similar to other studies, found that gay men seem to be disproportionately affected in access to insurance and banking services often due to their being classified as high risk for HIV. In some cases this resulted in having to answer intrusive questions related to sexual behaviour and having to pay higher



persons are treated with dignity and respect by law enforcement officers and detention services. One of them was once again triggered by the fact that the victim presented as female whereas her driving licence gave her male name and gender annotation. Such incidents do not help in building a climate of trust between the LGBT community and law enforcement and may discourage victims of violence from coming forward. The MGRM survey reported that less than 50% of LGBT victims of violence reported to the police and this went down to 8% with respect to harassment.

premiums. It is unclear how common this practice is since another gay respondent stated that he found no difficulty accessing insurance when he recently took out a home loan, although he also states that the policy does not include coverage should he contract HIV. What is also of some concern is that insurers might not be relying on self-disclosure with regards to sexual behaviour but may be using generic stereotypes to identify potentially gay clients as in the case of the dance instructor. Currently, in the absence of anti-discrimination in the provision of goods and services, no legal remedy exists.

Other

Visibility of LGBT issues in the local press and visual media has increased somewhat over the past ten years. The major newspapers allow for readers to post their comments which may be somewhat homophobic and transphobic in nature. It was suggested that the introduction of hate crime and hate speech legislation might serve to curb excessively violent language. One could argue that such comments could be censored through the appropriate use of a moderator even without the introduction of such legislation.

A number of respondents mentioned incidents that involved harassment by family members or relatives. While awareness and acceptance of diverse sexual orientations and gender identities might be increasing some parents still find it difficult to come to terms with having an LGBT child and can in some instances react with emotional and occasionally physical abuse. Incidents of stalking by parents as a means of controlling the behaviour of their children were also reported.

Respondents also commented on the negative image of parenting by same-sex and transgender persons often portrayed particularly where LGBT parents are presented as constituting a danger to children or as against their best interests. It was presumed that conceiving a child through artificial insemination was selfish and not an act of love. While fostering and adoption for single persons is theoretically open to LGBT persons, both present difficulties. Foster parents in a same-sex relationship, even if applying as a single parent, can encounter resistance when being assessed and their suitability questioned by the authorities.. The ban on adoption for same-sex couples does not help to dispel negative attitudes to same-sex parenting and can act to validate and reinforce them.



The findings also suggest that establishing friendships might at times be problematic. For LGBT persons, friends are often seen as family, particularly in those cases where families of origin are not accepting of their friendships and relationships⁵⁶. Friends provide the kinds of emotional, social and psychological support families often do, serving as opportunities for the expressions of intimacy and identity and as sources for various kinds of

assistance and networks⁵⁷. When heterosexual persons are targeted or discouraged from befriending LGBT people this support system is threatened. Lesbians and gay men are more likely to draw their friends from within the LGBT community but the assumption and at times accusation that consorting with an LGBT person implies that one is also LGBT may also lead to those still coming to terms with their sexual orientation or

gender identity to remain closeted. Those whose family is experiencing difficulty in accepting their LGBT identity are often constrained to isolate themselves and to censor who they spend time with.

A trans woman expressed her hurt at being what she termed 'a marryless' person. In Malta a transgender person may have their name and gender annotation changed in their birth certificate which in turn results in the issuing of new and correct official documents such as an Identity Card, a passport, a driver's licence and educational certificates. It is however unclear whether the annotation, and consequently all modified official documentation, is actually a legal acknowledgement and reflection of the person's affirmed gender or whether it is merely a cosmetic arrangement that does not alter the law's original consideration that the person belongs to the gender assigned at birth.

The latter understanding is that seemingly adopted by the courts in recent judgements in the case of Joanne Cassar vs the Director of Public Registry wherein they concluded that post-operative transgender persons may not, after and despite having rectified their official documentation, enter into a valid marriage with a person belonging to the gender opposite to their affirmed gender.⁵⁸ In effect they are not permitted to marry either a man or a woman which Malta's constitutional court has deemed to be a violation of Articles 8 and 12 of the Convention for Human Rights without perversely finding the Director for Public Registry responsible. Malta's highest court effectively concludes that these violations occurred due to a lacuna in Maltese legislation which does not provide for some form of 'life partnership' for transgender persons. This case was consequently submitted to the European Court of Human Rights for their consideration.⁵⁹

⁵⁶ Rosenell S. & Budgeon, S. (2004) Cultures of Intimacy and Care beyond 'the Family': Personal Life and Social Change in the Early 21st Century. *Current Sociology*, 52(2): 135-159

⁵⁷ Wayment, H. A. and Peplau, L. A. (1995). Social Support and Well-Being among Lesbian and Heterosexual Women: A Structural Modeling Approach. *Personality and Social Psychology Bulletin*, 21(11): 1189-1199

⁵⁸ Falzon, N. (2010) A Proposed Gender Identity Act for Malta, MGRM Malta.

⁵⁹ Seduta tat-23 ta' Mejju, 2011 Appell Civili Numru. 43/2008/1 Joanne Cassar versus Direttur tar-Registru Pubbliku u l-Avukat Generali

Redress

The majority of respondents did not reply to the question on how often they encountered homophobic or transphobic discrimination or were treated differently due to their sexual orientation, gender identity or gender expression. This might be because they do not experience such discrimination or differential treatment or because they have built up resistance over time, taking such incidents in their stride. As evidenced in the MGRM survey⁶⁰, experiences of harassment, homophobic and transphobic language and name calling may often not be deemed serious enough to report.

The principle of non-discrimination in employment in Maltese legislation is set out in the Industrial Relations Act and the Equality of Men and Women's Act. The majority of the interviewees (18 out of 25) were aware of these legislative measures. Some of them were not which would tend to reduce the likelihood of their accessing the protections available to them and seek redress. There were also a number of interviewees who erroneously believed that such protection extended also to other spheres such as housing, education, access to goods and services, healthcare and social protection. This seems to indicate that not enough awareness exists among the LGBT community on such matters. This was borne out when they were asked about current methods of redress they could avail of particularly outside of employment.

Maintaining anonymity and the fear of being victimised provides another impediment to coming forward, one which is particular to the grounds of sexual orientation and gender identity where persons might not necessarily be out in all spheres of their lives.

Conclusion

Despite the occasional claim that the expectations of the LGBT community has increased expectation with respect to equal treatment, it seems that there needs to be a concerted effort to increase awareness on what constitutes differential treatment and discriminatory treatment. This needs to be accompanied by information campaigns that empower LGBT victims to come forward and to make use of already existing measures of redress. Moreover, lacunae in legislation that place LGBT people at risk need to be adequately addressed.

Recommendations

Material Scope of Legislation

Local anti discrimination legislation pertaining to sexual orientation and gender identity only protects individuals and allows parties to bring claims against other individuals or organizations in so far as these pertain to the realm of employment. Nonetheless, this study points out the fact that LGBT persons do fall victims of harassment and discrimination in different realms of life. To this end, policy makers should consider replacing the current Equality for Men and Women Act with a wider Equality Act which would align the levels of protection offered to different groups or classes of persons, including LGBT persons; and ensuring that the rights contained therein would be enforceable through the assistance of an Equality Commission empowered to effectively protect the injured parties, which would replace the NCPE and the relevant functions currently entrusted with the DIER.

Personal Scope of Legislation

As evident in this study, trans persons are particularly vulnerable to less favourable treatment and harassment, whether this is intentional or otherwise. Immediate action needs to be taken to ensure that they are adequately protected. Thus, whilst highlighting the need to extend the scope of material protection provided by legislation as indicated above, the National Equality body (NCPE) should ensure that all transsexuals are aware that national gender equality legislation, whose scope of protection extends beyond employment and includes access to goods and services, can be invoked to claim protection from discrimination or harassment, and (ii) that the NCPE should conduct an internal discussion and develops a concrete policy to define whether the scope of protection emanating from the Equality for Men and Women Act and the regulations promulgated under it are applicable to gender identity and gender expression in the broader sense.

Equality Body

Reference is made to the above recommendation which suggest that the NCPE should be transformed into an equality body entrusted with the remit of ensuring equality on the basis of additional grounds, including sexual orientation and gender identity and gender expression.

Additionally it is important that the national equality body is enabled and empowered to take a more pro-active approach in ensuring enforcement of legislation, possibly by undertaking investigations albeit the absence of a specific complaint. Reference is made to the Employment and Industrial Relations Act (Cap. 452), which provides, *inter alia*, for the appointment of inspectors, who are given a number of powers in order to ensure enforcement and compliance to the provisions of the law.

⁶⁰ *Ibid.*

Ad-hoc investigations

Due to the fact that currently claims of discrimination on the basis of sexual orientation are only covered by specific legislation in the area of employment, it is submitted that the Department of Employment and Industrial Relations (DIER) needs to take a more pro-active stand on this issue and thus utilize the powers granted to it under the law to combat discrimination on the basis of sexual orientation in a more systematic and effective manner. Liaison between the DIER and NCPE is also required in order to ensure that such enforcement action is also taken to address discrimination against trans persons.

The European Convention on Human Rights and Fundamental Freedoms

It is recommended that the Maltese Government should ratify as soon as possible Protocol 12 to the European Convention on Human Rights and Fundamental Freedoms. This Protocol provides for a general ban on discrimination, on any ground, by any public authority.

The Legal Profession

The majority of the participants interviewed throughout this study indicated that they would seek the assistance of a private lawyer in the eventuality that they would want to pursue a claim of discrimination on the basis of sexual orientation. It is therefore important that the legal profession is adequately informed about the developments pertaining to the field of anti-discrimination in order to ensure that they are guided in an appropriate manner. This can be done, *inter alia*, in liaison with the Chamber of Advocates.

Homo/Transphobic Bullying in Schools and Educational Establishments

The results of this study have highlighted the phenomenon of bullying and harassment suffered by LGBT persons in educational settings. This is a matter of utmost concern, since, as one of the respondents of this study highlighted, one's experience in school can literally effect his/her life chances. In view of this, it is of utmost importance that policy makers address this issue pro-actively, by introducing a package of measures to ensure that such discrimination and harassment is addressed immediately and effectively. Thus, all educational establishments at all levels, should first and foremost adopt an equality policy which protects all staff and students from discrimination and harassment. This should be combined with adequate training sessions whereby staff is encouraged to voice concerns and allow for a two way exchange to determine how this policy could be implemented. It is important that during such training, misconceptions about LGBT persons are addressed and therefore ensure that LGBT issues are not portrayed in a negative manner.



Promotion of Victims' Rights

A number of participants in this research study have reported negative experiences when coming into contact with Police and Judicial structures.

In light of this, reference is made to Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, which provides *inter alia*, that Member States

must guarantee that the dignity of victims is respected and that their rights are recognised throughout the proceedings. Especially vulnerable victims, including LGBT persons, must be treated in a manner that is most appropriate to their circumstances.

It is being recommended that the relevant equality bodies should create better liaison with law enforcement agencies and relevant NGO's to ensure that such law enforcement agencies fully understand their duties emanating from the above mentioned framework decision and create a formal *modus operandi* to ensure that these duties are implemented effectively, possibly by entering into protocols with other relevant entities who might have better resources to assist in the effective implementation of these duties. Particular attention needs to be paid to victims based in Gozo, who, because of the limited services offered on the island, might be further hindered from claiming their rights in practice.

Same Sex Partnerships

Persons whose partnership is legally registered (currently only heterosexual couples in Malta) are granted a range of benefits within a broad range of areas including pensions, social security entitlements, tax, inheritance, financial assistance and discounts in the provision of goods and services by the private sector. LGBT persons cannot avail themselves of such benefits. The state should take action to address the legal recognition of same sex couples, particularly in order to ensure that such rights and benefits are granted to all without discrimination.

Parental Rights

Four of the respondents who took part in this research study were parents. Thus, although the legal framework does not provide for the regulation of parental rights within same-sex couples, it may be safely stated that this is however a reality – namely that a number of children are being brought up by same sex couples. However, only one of such parents would enjoy legal recognition of its rights and duties as a parent. This might not always be the best scenario for the child concerned. It is therefore advisable that the state addresses this issue pro-actively, and that all legal and policy decisions in this regard are based primarily on the best interests of the child, taking into account scientific research on the subject matter. Particularly, one needs to assess whether it would be opportune to introduce legislation enabling the non-biological parent to adopt the child.





Amendment of Legal Documents

An issue which has a major impact on the effects on trans persons is the one pertaining to the change of name on relevant legal documents such as the Identity card and the birth certificate. First and foremost, it is questioned whether the applicability of the right to change such details as only extending to post-op persons is justified. It is submitted

that for identification purposes, the Identity card number should suffice and that the name (whether male or female) of its holder is entirely irrelevant for identification purposes. Therefore, the state should consider changing its policy in this regard and extend this right to other trans persons.

A second consideration relates to the cost and length of procedures required for changing the details on the said legal

documents. The fact that a number of individuals postpone initiating this procedure for a considerable number of years, thereby exposing themselves to humiliation and a violation of their human dignity, where this delay is based solely on the fact that they cannot afford to pay for it, is again completely unacceptable in a society which aspires to be truly democratic and inclusive. Additionally, the relative procedures need to be simplified in order to prevent further victimisation.

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Annex I

Research Methodology

The researchers first undertook a review of the terms of reference as defined in the tender document, which stipulated, inter alia, that twentyfive face-to-face interviews were to be carried out. The findings of the literature review were also taken into consideration and amalgamated in this first step of the research. The interview guide was developed on the basis of the findings of the literature review, the terms of reference, and similar local and international studies, with the objective of ensuring comparability of results. The interview guide was adapted following feedback received from the NCPE and after being pre-tested with a small number of participants – thus ensuring that the questions posed were clear and understandable to all.

The risk with face to face interviewing is that respondents may feel awkward to respond to questions which might be considered to be of a sensitive nature, or may try to reply in a way that they perceive would 'please' the interviewer. Therefore, besides proposing to allow space for a two-way exchange in the structure of the interview guide, the researchers endeavoured to ensure a comfortable and secure setting to conduct the interviews. For the success of the project, it was also imperative that privacy was ensured.

The interviewees were provided with an informed consent form, and were explained that they had the right to withdraw from the study or to refuse to answer any particular question should they so wish. Interviewees were also briefed about the objectives of the study, the commitment to confidentiality and by having the procedure explained in advance. The researchers then carried out the interviews following the determination of the sample of participants to be interviewed.

Purposive sampling methodology was adopted. Through this approach, elements were chosen based on purpose of the study. This methodology did not produce an entirely representative sampling of the group addressed by this research study, however every effort was made in order to have a fair representation of gender, age groups and socio-economical backgrounds. To this end the research team liaised with appropriate NGO's in order to ensure sufficient respondents within the pre-established time-frames. Some other participants were recruited through a general call on social media as well as through personal contacts and snowballing techniques

Twentyfive face-to-face interviews were carried out. Prior to the commencement of the interviews, the interviewer explained the concepts of direct and indirect discrimination and harassment. The interviews were audiotaped and the interviewer took notes after the interview (to record impressions, changes in behaviors or attitude that would not appear in the verbatim, summarise what has been said during and after interview). The interviews were then transcribed. The researcher replayed the interview and compared it to the transcription, after which, any necessary corrections were made.

The method of analysis chosen was such as to explore, flexibly and in detail, a specific area of concern, focusing on grasping the experiential world of the respondents. The analysis was therefore 'bottom-up', allowing the researcher to look for themes emergent in the data, looking for coherence, differences and other issues relevant to the terms of reference.

Annex II

Interview Guide

Profile of Participants

	Sex	Status	Age	Nationality	Region	Employment	Education	Religion
S01	M	Single	61+	Maltese	Northern Harbour	Service workers and shop and sales workers	Secondary	RC
S02	M	Single (in a relationship)	51-60	Maltese	Northern Harbour	Professionals	Tertiary	Agnostic
S03	M	Single	41-50	Maltese	Northern Harbour	Professionals	Tertiary	Atheist
S04	M	single	18-30	Maltese	South Eastern	Professionals and managers	Tertiary	None
S05	M	Single	41-50	Maltese /British	Northern Harbour	Legislators, senior officials	Tertiary	Atheist
S06	M	Single (in a relationship)	18-30	British	Northern	Legislators, senior officials and managers	Secondary	spiritualist
S07	M	single	31-40	maltese	Northern Harbour	Professionals	Tertiary	none
S08	M	Single (in a relationship)	31-40	Maltese	Northern Harbour	Legislators, senior officials and managers	Tertiary	Atheist
S09	M	single	18-30	Maltese	Northern Harbour	Service workers and shop and sales workers	post-secondary	paganism
S010	M	single	18-30	Maltese	South Eastern	Legislators, senior officials and managers	Tertiary	christian
S011	M	Single (in a relationship)	41-50	Maltese	Northern	Service workers and shop and sales workers	post-secondary	RC - not practicing
S012	FTM	Single	18-30	Maltese	Western	Service workers and shop and sales workers	Secondary	none
S013	MTF	single	41-50	Maltese	Southern Harbour	unemployed	Secondary	RC
S014	MTF	cohabiting	18-30	Maltese	Southern /Italian	Professionals Harbour	Tertiary	deist
S015	F	Single (in a relationship)	18-30	Maltese	Northern	Professionals	Tertiary	none Harbour
S016	M	single	51-60	Maltese	Southern Harbour	Professionals	Tertiary	RC
S017	F	single	41-50	British	Northern Harbour	Service workers and shop and sales workers	Secondary	RC - not practicing
S018	F	single	31-40	Maltese	Northern Harbour	Service workers and shop and sales workers	post-secondary	christian
S019	F	single	31-40	Maltese	Northern	Legislators, senior officials and managers	Tertiary	RC
S020	F	separated	41-50	Maltese	Northern Harbour	Service workers and shop and sales workers	Secondary	RC - not practicing
S021	F	single	18-30	Maltese	Northern Harbour	Service workers and shop and sales workers	Secondary	Agnostic
S022	F	single	18-30	Maltese	South Eastern	Service workers and shop and sales workers	post-secondary	RC - not practicing
S023	F	single	31-40	Maltese	Northern Harbour	Legislators, senior officials and managers	Tertiary	RC
S024	F	Single (in a relationship)	31-40	Maltese	Northern Harbour	Legislators, senior officials and managers	Tertiary	Agnostic
S025	F	single	18-30	Maltese	South Eastern	Professionals	Tertiary	RC

Questionnaire

In the following questions, you will be asked about your views and experiences on discrimination and harassment .

By discrimination, we mean where a person is treated less favourably than another person is, has been, or would be, treated in a comparable situation, due to their sexual orientation ; or where an apparently neutral provision, criterion or practice would put a person of a particular sexual orientation at a particular disadvantage compared with other persons.

Harassment means being subjected to any unwelcome act, request or conduct, including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is related to sexual orientation and takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment

Interviewer should take some time to explain these definitions

Discrimination and harassment can happen in different areas of life, for example, when people go shopping, visit restaurants/bars, try to rent accommodation or buy a property, go to a doctor or to hospital.

Demographic Data:

Male
Female

Sexual Orientation (note as appropriate – mark if OUT or not)

Single
Married
Separated
Divorced
Widowed

1. How old are you?

Tick as appropriate but also mark actual age

0-17
18-30
31-40
41-50
51-60
61+

2. What is your nationality?

3. Where do you live?
Town/village

4. Are you employed?
What is your occupation?

5. What level of Education have you achieved:

Primary
Secondary
post-secondary
tertiary

6. Do you adhere to any Religion and if so, which one?:

Roman Catholic
Christian
Muslim
Orthodox
Buddhist
Atheist

other (specify) _____

7. Do you live: Alone; with parents; with partner; other (specify)

8. Do you have children?

Yes No

Employment

Q1. Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment in the area of employment in Malta?

Q2. If yes, who was the person responsible for such less favourable treatment?

(recruitment/employment agency, trade union, employer, colleague, client, other service provider, other)

Q3. If yes – did this happen when looking for employment or whilst in employment? Can you describe what happened?

Discrimination and harassment may be experienced in any of the following situations in the workplace or while applying for work on the grounds of your sexual orientation:

- Refusal of employment
- Refusal of promotion
- Dismissal
- Higher expectations in respect of other candidates/employees
- harassment
- None of these

If you experienced any of these, please describe what happened:

Housing

Q.4Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less

favourable treatment or harassment in the area of housing ie when trying to rent accommodation or buy a property?

This can include less favourable treatment or harassment also whilst living in the property bought or rented and not only whilst concluding the transaction.

Q.5 *If yes, the person responsible for such less favourable treatment was:*

(Owner/landlord, neighbour, agent, bank or financial institution, other)

Can you describe what happened?

Healthcare

Q.6 *Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when seeking medical assistance, going to a doctor or receiving healthcare in a hospital, clinic or health centre.?*

(E.g. requested additional tests, used additional hygienic protection, refused access to medical services, rejected you as a blood donor, patronised you, commented on your Sexual orientation in a negative manner, refused to provide help, was not able to provide you with specialised help, harassment, etc)

Q.7 *If yes, the person responsible for such less favourable treatment was:*

(Doctor, nurse, co-patient, other)
If yes, can you describe your experience?

Education

Q.8 *Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when going to school or attending an educational institution or training provider?*

Q.9 *If yes, the person responsible for such less favourable treatment was:*

(Teacher/trainer, other pupils/ classmates, parents, administrative staff, counselor/social worker, other)

If yes, can you describe your experience?

Goods and Services

Q.10 *Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when purchasing goods or seeking a service from the private sector or from voluntary (non –governmental organizations) or from a trade union?*

Q.11 *The person responsible for such less favourable treatment was:*

shop keeper/salesperson; taxi driver; Administrative staff, managerial staff, other clients/service users, other service providers, other

If yes, can you describe what happened?

Q.12 *Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment treatment when taking out insurance? What kind of insurance?*

Q.13 *the person responsible for such less favourable treatment was:*

(sales person; customer care officer; Administrative/clerical staff, managerial staff, other clients/service users, other)

If yes, can you describe what happened?

Q.14 *Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment treatment when going to a bank or a financial institution?*

Q.15 *the person responsible for such less favourable treatment was:*

(sales person; customer care officer; Administrative/clerical staff, managerial staff, other clients/service users, other)

If yes, can you describe what happened?

Q.16 *Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when accessing a public service or benefit, or when coming into contact with a public department or entity?*

(this can include the army, the police, the social services, detention services, employment agencies, government departments)

Q.17 *Who was the person responsible for such less favourable treatment?*

(Administrative/clerical staff, customer care; managerial staff, police; bus driver; local council; other clients/service users, other service providers, other)

If yes, can you describe what happened?

Q.18 *Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when going to a restaurant, pub, bar, club, beach or other place of entertainment?*

Q.19 *If yes, the person responsible for such less favourable treatment was:*

(Owner, staff, other patrons, security, others)

If yes, can you describe what happened?

Other

Q.20 Have you a member of a close-knit circle of family, friends and acquaintances ever experienced any other kind of less favourable treatment or harassment due to your sexual orientation that has not been mentioned above?

(e.g. in the area of social protection)

If yes, can you describe what happened?

Q.21 Have you or a member of a close-knit circle of family, friends and acquaintances ever been treated in a way that you consider humiliating or offensive because of your sexual orientation?

(not described above)

If yes, can you describe what happened?

Q.22 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced physical violence due to your sexual orientation?

If yes, can you describe what happened?

Q.23 Have you ever been victimized because of your association with another person of a particular sexual orientation?

If yes, can you describe what happened?

Q.24 How often would you say that these incidents occurred?

every day; weekly; monthly;
every three months; every three
to six months; once a year

Redress

Q.25 In which of the following areas is there legislation that protects against discrimination on the basis of sexual orientation:

- Employment
- Housing
- Education
- Access to goods and services
- Healthcare
- Social Protection

Q.26 Have you or a member of a close-knit circle of family, friends and acquaintances ever sought to pursue a claim on the basis of sexual orientation?

If yes, can you describe your experience?

who they turned to for assistance :

National Commission for the
Promotion of Equality
Department for Employment
and Industrial Relations
Employment and Training Corporation
Trade Union
Non Governmental Organisation (specify)
Commissioner for Refugees
Private Lawyer
Agency for the Welfare of Asylum Seekers
Embassy
Other

Why was this route pursued?

What results did you achieve?

What did you think of the
results achieved?)

If not, why?

Q.27 If you had to pursue such a claim,
who would you turn to for assistance?

National Commission for the
Promotion of Equality
Department for Employment
and Industrial Relations
Employment and Training Corporation
Trade Union
Non Governmental Organisation (specify)
Commissioner for Refugees
Private Lawyer
Agency for the Welfare of Asylum Seekers
Embassy
Other

Q.28. Have you heard of the national
Commission for the Promotion of
Equality and the Department for
Employment and Industrial Relations?

Q.29 Have you ever sought their
assistance, or that of another entities?
If no, why?

Q.30 Are you satisfied with the measures
of redress currently available to victims
of discrimination on the basis of
sexual orientation? If yes/no - why

Any Difficulties encountered – If any, the
interviewer needs to take notes of these

The interviewer will be asked to take notes
after the interview (impressions, changes
in behaviors or attitude that would not
appear in the verbatim, summarise what
has been said during and after interview).
The interviews will then be transcribed.
The researcher will then replay the
interview again and compare it to the
transcription, after which, any necessary
corrections will be made. The written
copy of the interview will be shared with
the participant to make sure that they
agree with, and affirm, the contents of
the interview. This will help mitigate any
potential bias of the researcher/transcriber.

Above
all
we're
human



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