



Raising standards of health care service provision for LGBTIQ people

FRONTLINERS TRAINING PACK



Co-funded by the Rights, Equality and Citizenship (REC) Programme of the European Union

INTRODUCTION

This training is being implemented as part of a project entitled **TRANSFORM: Raising standards of health care service provision for LGBTIQ people** and is co-funded by the Rights, Equality and Citizenship Programme of the European Union.

The Human Rights Directorate within the Ministry for Justice, Equality and Governance is the project leader. The project partners are:

- The Office of the Deputy Prime Minister and the Ministry for Health
- The Malta Union of Midwives and Nurses (MUMN)
- The Malta College of Family Doctors (MCFD)
- Ghent University Hospital
- ILGA Europe
- Transgender Europe

The SOGI Unit within the Council of Europe and Steward Health Care are also collaborating and supporting the project.

The project aims to ensure that LGBTIQ people have equal access to health services mainly through the training of health practitioners and others working within the health sector.

The project aims to benefit from the exchange of good practices through partnership with the Ghent University Hospital Trans Info-Point (TIP) and Gender Team. Through this partnership, it aims to build the knowledge base of GPs who are often the first point of call for all persons, including LGBTIQ persons suffering from generic ailments or requiring medical advice or referral to a specialist healthcare provider. Specialised training will also be provided to emergency services personnel. These trainings would be complimented by a website to which medical practitioners could refer for information on trans patient healthcare as well as signposting to specialist services such as those provided through the GWC where required.

Other training sessions are organised in collaboration with the Office of the Deputy Prime Minister and Ministry for Health, the Malta Union of Midwives and Nurses (MUMN) and the Malta College of Family Doctors (MCFD). These sessions are aimed at various healthcare practitioners, managers and practice nurses, and front office staff who are often the first point of contact in healthcare provision.

ILGA Europe and Transgender Europe are also involved in the project as associate partners which will increase outreach and dissemination of project results in European and international platforms.

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CONFIDENTIALITY AND PROTECTION

Regulation (EC) 45/2001¹ lays down the rules for data protection in the EU Institutions and is distinct from Directive 95/46/EC² (soon to be replaced by Regulation (EU) 2016/679)³ which applies at the level of the individual Member States.

Similarly, to Health4LGBTI project, TRANSFORM is a European Commission funded project and as the project involves the processing of personal data, it is subject to data protection rules as established by Regulation (EC) 45/2001.

As the training foresees the use of interactive training methods (e.g. practical exercises, discussion on case studies, guided brainstorming sessions) where the trainees are asked to contribute their views and possibly share their work experience in the context of a given activity, all participants are asked to sign a **Confidentiality Declaration** whereby they commit to **not refer** to any personal data of patients or service users during the training sessions.

Personal data shall mean any information relating to an identified or identifiable natural person hereinafter referred to as “data subject”; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

¹ Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

² DIRECTIVE 95/46/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)

Activity 1: Introduce yourself

This is an icebreaker activity. We ask you all to take turns and answer the following questions:

- Your name & the pronoun you use to describe yourself;
- Your experience in the health sector;
- One or two things you expect from the training course.

Activity 2: First awareness questions

You will be asked to reflect in small groups on a number of questions relating to your first understandings and recollections of sexuality and gender.

Terms and Concepts

LGBTIQ

LGBTIQ:

LGBTIQ is an acronym for lesbian, gay, bisexual, trans, intersex and queer people. It is commonly used within the LGBTIQ movement itself. The LGBTIQ acronym refers to different groups of people who have been historically marginalised because they do not fit norms around gender and sexuality;

Even though like all acronyms, it both includes and excludes people, it enables to shed light on situations and experiences that are often invisible in society, including in healthcare settings;

Terms and cultures regarding sexual orientation, gender identity, gender expression, and sex characteristics are constantly evolving and can vary in different countries. The important thing is to listen to people and reflect on the terminology they use to identify themselves.

Sexual Orientation

Sexual Orientation:

Refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, persons of a different gender, the same gender or more than one gender. The most visible sexual orientations include, but are not limited to, homosexuality, bisexuality or heterosexuality.

Lesbian:

A woman emotionally and/or sexually attracted to other women.

Example: Marta identifies as a woman. She is only sexually and emotionally attracted to people of the same gender. Marta is a lesbian.

Gay:

A person who is emotionally and/or sexually attracted to people of the same gender. Traditionally, it refers to men, but other people who are attracted to the same gender or multiple genders may also define themselves as gay. So 'gay' is sometimes also used as a blanket term to cover lesbians and bisexual people as well as gay men.

Example: John identifies as a man. He is only sexually and emotionally attracted to people of the same gender. John is gay.

Bisexual: A person who is emotionally and/or sexually attracted to people of more than one gender.

Example: Juliana identifies as a woman. She is sexually and emotionally attracted to people of the same gender as her, but also to people of another gender. Juliana is bisexual.

Homosexual: A term used to describe someone who has an emotional romantic and/or sexual attraction towards someone of the same gender. The term 'gay' is now more generally used and preferred.

Gender Identity and Gender Expression

Gender: Refers to the socially constructed roles, expectations, activities, behaviours and attributes that society at any given time associates with a person of any sex, assuming any form of gender identity or gender expression.

Gender Identity: Refers to each person's internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance and, or functions by medical, surgical or other means) and other expressions of gender, including name, dress, speech and mannerisms.

Gender Expression: Refers to each person's manifestation of their gender identity, and/or the one that is perceived by others.

Trans: This is an inclusive umbrella term referring to people whose gender identity and/or gender expression differ from the sex/gender they were assigned at birth. It may include, but is not limited to: people who identify as transsexual, transgender, cross-dressing, androgyne, polygender, genderqueer, agender, gender variant, gender non-conforming, or with any other gender identity and/or expression which does not meet the societal and cultural expectations placed on gender identity.

Trans man: A term used to identify a person assigned a female gender at birth (or who has female sex characteristics) and who identifies as a male, lives as a man, or identifies as masculine.

Example: Alex identifies as a man and his gender identity is male. However at birth, his assigned sex was female: Alex is a trans man.

Trans woman: A term used to identify a person assigned a male gender at birth (or who has male sex characteristics) and who identifies as a female, lives as a woman, or identifies as feminine.

Example: Maria identifies as a woman: her gender identity is female. However, at birth, her assigned sex was male: Maria is a trans woman.

Transsexual: An older and medicalised term used to refer to people who identify and live in a different gender. The term is still preferred by some people who intend to undergo, are undergoing or have undergone gender affirmation treatment (which may or may not involve hormone therapy or surgery).

Cisgender: A term referring to those people whose gender identity matches the sex they were assigned at birth.

Non-binary: Describes a person whose gender identity falls outside the traditional gender binary. Other terms for people whose gender identity falls outside the gender binary include gender variant, gender expansive, gender fluid, gender queer, etc. Gender expression may or may not differ from a society's norms for males and females.

Example: Dylan identifies as non-binary. However, at birth, their assigned sex was female: Dylan is a trans person.

Specific terms on Gender Identity and Gender Expression

Cross-dresser: A person who occasionally wears clothing considered typical for another gender, but who does not necessarily desire to change gender. Cross-dressers can be of any sexual orientation.

**Drag King/
Drag Queen:** A person who wears the clothing of another gender, often involving presentation of exaggerated, stereotypical gender characteristics. Individuals may identify as drag kings or drag queens when performing gender as parody, art or entertainment.

Cross-gender hormonal therapy: The administration of hormone therapy in order to match a person's physical characteristics to their gender identity.

Gender fluid: Describes a person whose gender identity is not fixed. A person who is gender fluid may always feel like a mix of the two traditional genders, but may feel more one gender some days, and another gender on other days.

Gender non-conforming: Describes gender expression that differs from a given society's norms for males and females.

Genderqueer: Describes a person whose gender identity falls outside the traditional gender binary.

Gender variant: Can refer to someone whose gender identity differs from normative gender identity and the gender roles/norms assigned at birth.

Gender affirmation process (Transition): Refers to a series of steps people may take to live in the gender they identify with. Transition can be social and/or medical. Steps may include coming out to family, friends and colleagues; dressing and acting according to one's gender; changing one's name and/or sex/gender on legal documents; medical treatments including hormone therapies and possibly one or more types of surgery.

Gender dysphoria: Distress experienced by some individuals whose gender identity does not correspond with their assigned gender at birth. Manifests itself as clinically significant distress or impairment in social, occupational, or other important areas of functioning. The Diagnostic and Statistical Manual of Mental Disorders (DSM-5) includes gender dysphoria as a diagnosis. However Malta has depathologised gender identity.

Gender reassignment: Refers to the process through which people re-define the gender in which they live in order to better express their gender identity. This process may, but does not have to, involve medical assistance including hormone therapies and any surgical procedures that trans people undergo to align their body with their gender.

Gender reassignment Surgery (GRS):	Medical term for what trans people often call gender confirmation/affirmation surgery, which is sometimes (but not always) part of a person's transition.
Gender Recognition:	A process whereby a trans person's gender is recognised in law, or the achievement of the process.
Genderism/ Gender binary:	The idea that there are only two genders, male and female, and that a person must strictly fit into one category or the other.
Queer:	Previously used as a derogatory term to refer to LGBTIQ individuals in the English language, queer has been reclaimed by people who identify beyond traditional gender categories and heteronormative social norms. However, depending on the context, some people may still find it offensive. Also refers to queer theory, an academic field that challenges heteronormative social norms concerning gender and sexuality.

Sex Characteristics

Sex:	<p>The classification of a person as male or female. Sex is assigned at birth and written on a birth certificate, usually based on the appearance of their external anatomy and on a binary vision of sex which excludes intersex people.</p> <p>A person's sex, however, is actually a combination of bodily characteristics including chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.</p> <p>The sex assigned at birth usually becomes the legal sex after being written in the birth certificate and transposed to identification documents.</p>
Biological Male:	A term assigned to a person at birth whose sex produces spermatozoa and refers to traditionally defined anatomy (e.g. penis, scrotum) and chromosomal makeup (XY) of a boy/man.
Biological Female:	A term assigned to a person at birth whose sex produces ova and has traditionally defined anatomy (e.g. vagina, uterus) and chromosomal makeup (XX) of a girl/woman.
Intersex:	<p>Intersex individuals are born with physical sex characteristics that don't fit medical or social norms for female or male bodies. These variations in sex characteristics may manifest themselves in primary characteristics (such as the inner and outer genitalia, the chromosomal and hormonal structure) and/or secondary characteristics (such as muscle mass, hair distribution and stature).</p> <p>People with variations of sex characteristics may use or not the term "intersex" to refer to themselves. Nonetheless, during the training we use the term intersex to refer to all people with variations of sex characteristics.</p>

Example: When he was born, Sam's sex characteristics could not be clearly classified as either male or female. Their parents decided to assign him as a female. However, today, Sam identifies as a man.

Example: Lily was assigned male at birth. However, as she got into puberty, she developed sex characteristics traditionally assigned to females. Now Lily identifies as female. Lily is intersex (and trans).

Sexual behaviour

MSM (men-who-have-sex-with-men): MSM is a term used to refer to men who have sex with other men but do not necessarily identify as gay or bisexual.

WSW (women-who-have-sex-with-women): WSW is a term used to refer to women who have sex with other women but do not necessarily identify as lesbian or bisexual.

Terms related to the field of discrimination

Discrimination: Unequal or unfair treatment which can be based on a range of grounds, such as age, religion or belief, race or ethnicity, disability, sexual orientation or gender identity.

Victimisation: A specific term describing discrimination that a person suffers because they have made a complaint or been a witness in another person's complaint.

Harassment: Shall be deemed to occur when there is unwanted conduct related to one or a combination of any protected characteristic, which has the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;

Transphobia Refers to negative cultural and personal beliefs, opinions, attitudes and behaviours based on prejudice, disgust, fear and/or hatred of trans people or against variations of gender identity and gender expression.

Heteronormativity: Refers to the set of beliefs and practices that gender is an absolute and unquestionable binary, and therefore describes and reinforces heterosexuality as a norm. It implies that people's gender and sex characteristics are by nature and should always be aligned, and therefore heterosexuality is the only conceivable sexuality and the only way of being 'normal'.

Cisnormativity Cisnormativity is the assumption that all, or almost all, individuals are cisgender. It is a combination of the prefix cis-, as in cisgender, and the suffix -normativity, as a complement to heteronormativity.

Heterosexism: It is a set of discriminatory attitudes, bias and behaviour relying on gender as a binary to favour heterosexuality and heterosexual relationships.

Activity 3: Let's practice your knowledge

Assign each term to its correct definition and category.

GROUP 1					
	Term	Definition	Category (Mark with an X)		
			Sexual Orientation	Sex and Sex Characteristics	Gender Identity
1		Term used to identify a person assigned a male gender at birth and who identifies as a female.			
2		A term that relates to a range of physical traits or variations that lie between stereotypical ideals of male and female.			
3		Person that is emotionally and/or sexually attracted to people of the same gender.			

Terms: Gay; Transwoman; Intersex

GROUP 2					
	Term	Definition	Category (Mark with an X)		
			Sexual Orientation	Sex and Sex Characteristics	Gender Identity
1		Combination of bodily characteristics including chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.			
2		Term that refers to people whose gender identity and/or gender expression differs from the sex they were assigned at birth.			
3		Person that is emotionally and/or sexually attracted to people of more than one gender.			

Terms: Bisexual; Sex; Trans

GROUP 3					
	Term	Definition	Category (Mark with an X)		
			Sexual Orientation	Sex and Sex Characteristics	Gender Identity
1		Person at birth whose sex produces spermatozoa and refers to traditionally defined anatomy (e.g. penis and scrotum) and chromosomal makeup (XY).			
2		Each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth.			
3		Person whose partner's gender is the same as the individual's.			

Terms: Homosexual; Biological Male; Gender Identity

GROUP 4					
	Term	Definition	Category (Mark with an X)		
			Sexual Orientation	Sex and Sex Characteristics	Gender Identity
1		Person at birth whose sex produces ova and has traditionally defined anatomy (e.g. vagina, uterus) and chromosomal makeup (XX).			
2		A woman who is sexually and/or emotionally attracted to women.			
3		An older and medicalised term used to refer to people who identify and live in a different gender.			

Terms: Transsexual; Biological female; Lesbian

GROUP 5					
	Term	Definition	Category (Mark with an X)		
			Sexual Orientation	Sex and Sex Characteristics	Gender Identity
1		Term used to identify a person assigned a female gender at birth and who identifies as a male.			
2		Person whose gender identity and assigned sex at birth correspond.			
3		Term refers to each person's capacity for profound affection, emotional and sexual attraction to, and intimate and sexual relations with, someone.			

Terms: Sexual Orientation; Trans man; Cisgender

Inclusive Communication

	
<p>Are you married?</p>	<p>Do you have a partner?</p>
<p>What is your wife's name? (If with a male patient) What is your husband's name? (If with a female patient)</p>	<p>What is your partner's name?</p>
<p>Using the wrong pronouns and name with trans people.</p>	<p>I would like to be respectful. What name and pronoun should I use?</p>
<p>How may I help you, sir?"</p>	<p>How may I help you?</p>
<p>She is here for her appointment.</p>	<p>The patient is here in the waiting room.</p>
<p>If you accidentally use the wrong term or pronoun</p>	<p>I'm sorry. I didn't mean to be disrespectful.</p>
<p>If a patient's name doesn't match medical records</p>	<p>Could your chart be under a different name?</p>

Those working in the health sector should never assume the sexual orientation, gender identity, gender expression or sex characteristics of any of their patients or service users. It is advisable to always use the terminology and pronouns used by the patients themselves, as these are most likely to be the ones that mostly reflect their identities.

Whenever you need information about next of kin or the civil status of a person, gender neutral language should be used not to assume heterosexuality.

Remember that each encounter is individual and culturally specific. Language should therefore be fluid and reflect openness and sensitivity to create space for plurality and diversity.

Malta's Legal Framework

Malta has a robust legal and policy framework in relation to equality and non-discrimination of LGBTIQ persons, equal recognition in family life, hate crime and hate speech provisions, legal gender recognition and bodily integrity and asylum.

Equality and non-discrimination

In 2014 Malta amended the Constitution to include sexual orientation and gender identity as protected characteristics. Through different pieces of legislation Malta also introduced anti-discrimination equality provisions on the grounds of sexual orientation, gender identity, gender expression and sex characteristics in employment.

Recognition of couples

Malta has three forms of recognition for couples: Marriage, Civil Unions and Cohabitation. All three are equally available to couples irrespective of gender. Marriage and Civil Unions also provide for parenting rights of all couples. This includes access to fostering, adoption and to IVF services. Surrogacy remains unavailable although it is possible to access surrogacy abroad and register the child in Malta.

Legal Gender Recognition and bodily integrity

Malta's Gender Identity, Gender Expression and Sex Characteristics Act regulates access to legal gender recognition. With this legislation Malta adopted a self-determination model which fully respects the human rights of trans and gender variant individuals. The legislation also places obligations on public and private entities to address discriminatory practices and to respect the right to gender identity of trans persons who may access their services.

This legislation also criminalises normalising treatments and surgeries on intersex children without their informed consent.

In February of 2018, A legal notice introduced 'gender identity and sex characteristics related conditions' in the entitlement schedule relative to the National Health Service (NHS) (LN 44 of 2018).

A consultation to ensure the best healthcare services on these grounds was subsequently launched. The Gender Wellbeing Clinic became operational in November 2018 providing services through a multi-disciplinary team to trans and gender variant individuals. The Gender Wellbeing Clinic provides prescriptions for hormone treatments, assessments for surgical interventions, psychosocial support, and voice therapy.

Conversion practices

In 2016 Malta banned conversion practices through the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act (CAP 567). This affirms that all persons have a sexual orientation, a gender identity and a gender expression, and that no particular combination of these three characteristics constitutes a disorder, disease, illness, deficiency, disability and, or shortcoming. The law prohibits conversion practices as deceptive and harmful act or interventions against a person's sexual orientation, gender identity and, or gender expression.

Mental health

The Mental Health Act (CAP 525) affirms the rights of mental healthcare users and bans discrimination on the ground of sexual orientation.

Blood donation

Following a risk assessment conducted by the National Blood Transfusion Service in 2018, which took into account the introduction of Nucleic Acid Testing (NAT) in 2019 as well as the current HIV infection rate among MSM's, a shift in policy from a lifetime deferral to a one-year deferral for MSM's was introduced. This addressed the previous lifetime ban on men who have sex with men.

Sex, sexuality and gender guidelines

A person's sex and gender may not necessarily be the same. Some people may identify as a different gender to the sex assigned at birth and some people may identify as neither male nor female.

The preferred approach is to collect and use gender information. Information regarding sex would ordinarily not be required. This applies also when the field or form requests sex rather than gender.

Information about people's sex should only be collected where there is a legitimate need for that information, e.g. if a service or benefit to be provided to the individual is directly related to biological sex. The necessity of a medical service or associated benefit should be determined by the physical need, regardless of a person's recorded gender.

Any service that records both sex and gender must ensure that the privacy of service users is protected and that such information is restricted.

Use gender inclusive language when collecting information on marital, civil status or parental status or communicating with individuals based on such status.

Interactions

In interactions with members of the public, use pronouns as requested by the individual (e.g. 'she, her, hers' for an individual who self-identifies as female; 'he, him, his' for an individual who self-identifies as male; and 'they, them, theirs' for a person who identifies as gender neutral or non-binary). If you are uncertain by which gender the individual wishes to be addressed, respectfully ask the individual for clarification: 'How would you wish to be addressed?'

Address the individual by their preferred name, which on occasions may not correspond to that on their identity documents.

Do not use language that a reasonable person would consider demeaning or derogatory; in particular, language aimed at a person's actual or perceived sexual orientation, gender, gender identity, gender expression or sex characteristics.

Do not disclose an individual's sexual orientation, gender identity or intersex status to members of the public and/or other governmental personnel, without a reasonable purpose.

Sex and gender classification in records

Where gender information is collected and recorded in a personal record, individuals should be given the option to select or indicate a gender beyond the M / F binary.

This can be done either by including the following fields:

Male Female Other (Please specify) _____

Or, in this closed manner if the question needs to be closed ended:

M (male) F (female) X (other genders)

This classification system is consistent with the Maltese Government I.D. and passports policy.

Proof of gender/amending gender in patient records

- 1 Consistent with the General Data Protection Regulation (GDPR) requirements, all reasonable steps should be taken to ensure the personal information in their records is accurate. This includes a person's title (Mr, Ms, Miss, Mx etc.), name and/or gender information.
- 2 Where a person requests the name and/or gender information on their personal record be amended, or where it is necessary to verify a person's name and/or gender to confirm identity or determine eligibility for a service or entitlement, any one of the following is sufficient evidence of their name and/or gender:
 - a. a valid I.D card or passport, which specifies their self-determined name and gender; or
 - b. an amended birth or adoption certificate, which specifies their self-determined name and gender;
 - c. an amended protection card issued to refugees, beneficiaries of subsidiary protection status, temporary humanitarian protection and local subsidiary protection which specifies their self-determined name and gender or an amended asylum application form for failed asylum seekers.
- 3 Where non-Maltese residents or visitors present identity documents which include a gender marker which is not M/F/X, they are to be informed that this would be recognised under the X marker.
- 4 Proof of surgical procedures for total or partial genital reassignment, hormonal therapies or any other psychiatric, psychological or medical treatment are not pre-requisites for the recognition of a change of name and/or gender in one's records.
- 5 Where there is conflicting information about a person's name, and/or gender on the Government documents held by a person, the Maltese I.D. card or passport will take precedence in establishing a person's gender.

Activity 4: Role Plays

1

You are Roberta, a woman who approaches the ward clerk in the gynae ward asking about your pregnant wife Lisa who was brought into the hospital as her water broke and she is about to give birth. You were at work since Lisa was not expected to give birth for another two weeks.

2

You are Sam, a trans-man who has just changed his legal gender and has not yet had time to inform the health authorities about the change. You present as a man but your name in the records still appear as Samantha. You have an outpatient appointment for an MRI which your GP scheduled for you due to persistent headaches.

3

You are a gay same-sex couple who present at the health centre with your 7-year old son who fell while playing on the swings and looks to have broken his arm.

4

You are Luke, a person who identifies as non-binary and your ID card shows an X marker. You are scheduled for minor day surgery. The clerk is taking your details. You realise that she has noted your gender as male.

5

You overhear your colleague make derogatory comments about a nurse who is gay and works in the paediatric ward. The colleague states that people like that should not be allowed anywhere near children.