**Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity with focus on practices of so-called “conversion therapy”**

**Feedback of the Government of Malta**

1. **What different practices fall under the scope of so called “conversion therapy” and what is the common denominators that allow their grouping under this denomination?**

Malta introduced legislation banning conversion practices in 2016 through the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act. This does not specify any one practice. It is the intention of such practices which is the common denominator.

These practices could therefore include counselling, psychotherapeutic services and or similar services but also religious practices such as prayer meetings; personal testimonies; bible studies; retreats; exorcisms; etc.

1. **Are there definitions adopted and used by States on practices of so-called “conversion therapy”? If so, what are those definitions and what was the process through which they were created or adopted?**

The legislation defines conversion practices as: any treatment, practice or sustained effort that aims to change, repress and, or eliminate a person’s sexual orientation, gender identity and, or gender expression; such practices do not include

(a) any services related to the exploration, free development and, or affirmation of one’s identity with regard to one or more of the characteristics being affirmed by this Act, through counselling, psychotherapeutic services and, or similar

services, and, or;

(b) any healthcare service related to the free development and, or affirmation of one’s gender identity and, or gender expression;

In coming to this definition we looked at legislation adopted by other States and also consulted with the relevant professional bodies.

1. **What are the current efforts by States to increase their knowledge of practices of so-called “conversion therapy”? Are there efforts to produce information and data on these practices?**

In 2018 Malta established a Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics Unit within the Human Rights and Integration Directorate falling under the Ministry for Education. This team reviews relevant literature and initiatives being taken in this field in other States. It also shares Malta’s experience in legislating in this field. It also monitors the national situation and engages with civil society organisations through the LGBTIQ Consultative Council where it becomes aware of such practices in order to determine any action that might need to be taken. No formal research has so far been undertaken to collect data on conversion practices.

1. **What kind of information and data are collected by States to understand the nature and extent of so-called “conversion therapies” (eg. through inspections; inquiries; surveys)?**

No such national data has so far been collected. The information available is generally through monitoring of national media and through first person accounts.

1. **Has there been an identification of risks associated with practices of so-called “conversion therapy”?**

The risks associated with conversion practices are generally those that emerge from relevant international research and relevant professional bodies that in general indicate that conversion practices are not effective and may in fact cause harm.

1. **Is there a State position on what safeguards are needed, and what safeguards are in place to protect the human rights of individuals in relation to practices of so-called “conversion therapy”? This question includes the following:**
2. **Safeguards to protect individuals from being subjected to “conversion therapies”,**
3. **Broader statutory rules or administrative policies to ensure accountability of health care and other providers**.

The primary measure is the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act which criminalises conversion practices on vulnerable persons including minors by any actor and also bans conversion practices entirely by any person who is in possession of an official qualification and/or a warrant to practice as a counsellor, educator, family therapist, medical practitioner, nurse, pathologist, psychiatrist, psychologist, psychotherapist, social worker, and, or youth worker.

This is complemented by other mainstreaming measures such as those aiming to provide training on LGBTIQ issues to a range of professionals covered by this Act and to mainstream LGBTIQ issues across the school curriculum.