

OPENING ADDRESS BY THE HON. LOUIS GALEA, SPEAKER OF THE HOUSE OF REPRESENTATIVES, AT THE 13TH ILGA-EUROPE ANNUAL CONFERENCE, HOSTED BY THE MALTA GAY RIGHTS MOVEMENT (MGRM), ON THE THEME 'OVERCOMING CULTURAL AND RELIGIOUS BARRIERS TO LGBT EQUALITY'- ST JULIAN'S - 29TH OCTOBER, 2009

First of all I would like to thank the MGRM for inviting me to join you this morning at the beginning of this important ILGA-Europe Annual Conference, the 13th one in succession. I appreciate that you chose Malta for this event and we thank you for going through the effort and expense to do so. I have no doubt that MGRM have done a professional job in hosting you here and I am confident none of you will regret coming here and savour a bit of our identity, culture and hospitality. It is, therefore, with great pleasure that I warmly welcome you and wish you not only a most pleasant stay, but above all a most successful and productive conference.

I understand that apart from discussing various reports about the work ILGA-Europe did in the course of the year as well as an overview of relevant policy and constitutional issues for your better guidance in the near future, you also intend to reflect on the underlying theme you identified for this conference: "Overcoming Cultural and Religious Barriers to LGBT Equality". In this context you will also be discussing sensitive sub-themes such as 'Hate Crimes', 'Strategies on religious dialogue', 'Stigma and young people', 'Being a lesbian is no sin', and 'Law, secularism and the Catholic Church'.

Sexual orientation is a relatively recent notion in human rights law and practice and one of the controversial ones in many societies. Prejudices, negative stereotypes and discrimination are deeply embedded in our value system and patterns of behaviour as a result of the cultural and religious milieu in which we have been brought up and which has determined our view of life and the world around us.

I believe that the main principle guiding our human rights approach on sexual orientation refers to the fulfilment of human dignity through equality and non-discrimination. I also believe that Parliaments have a duty to ensure social justice and to guarantee the human dignity of lesbians, gays and bisexuals. Parliamentarians need to inform themselves objectively about the issues that surround sexual orientation and they need to avoid the attitude that gay people are claiming any 'special' or 'additional' rights. What we need to examine is the issue of the observance of the same rights as those of heterosexual persons. In such a discussion our point of departure needs to be Article One of the Universal Declaration of Human Rights, adopted some sixty years ago, which declares that "All human beings are born free and equal in dignity and rights". "ALL human beings", no exception, whatever their sexual orientation.

The world has gradually accepted that individual human beings have different sexes, racial or ethnic origins, and religions, and that these differences must be respected and not be used as reasons for discrimination. But most countries are still facing difficulties in accepting two other aspects of human diversity: that people have different sexual orientations, different gender identities and that two women and two men can fall in love with each other; and that a person's identity, as female or male, is not always determined by the type of body into which they were born.

Progress in the recognition and acceptance of these facets of human diversity is manifested in various international and regional treaties, conventions and declarations, amongst others, at United Nations level, the African Union, Council of Europe, especially with its 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Union. The latter has promulgated several Directives and Recommendations that offer protection from discrimination based on sexual orientation and is insisting on additional requirements in its negotiations with candidate accession countries in their situation referring to human rights.

In my view culture and religion are two phenomena with immensely complex and far reaching societal roots. Human history is replete with incredible suffering, injustices, tragedies, holocausts perpetrated on the pretext, misguided or otherwise, of different ethnicity, cultures and religions. And despite the solemn 'never again' utterances following such tragedies, we continue to witness, even in our days, diverse forms of discrimination in every society, some more notorious than others to the extent that

they grab the national and international media headlines. But there is an even more pernicious type of discrimination, which may never catch such headlines, very often perpetrated in an insidious semantically soft manner as a result of ingrained cultural and religious traditions, customs, beliefs and pseudo beliefs. In such instances many show a discriminatory disposition and act accordingly, very often unknowingly, unconsciously, because they are misguided, directly or indirectly, by those who are expected to know much better. I say this to underline the fact that I find it easier to gather support against political, social or economic discrimination than to change discriminatory attitudes emanating from a cultural or religious mind set. So I can understand why this year you chose to emphasise the theme of equality for LGBT's in the context of culture and religion.

Allow me to confess that I am no expert in the field or on the subject which you chose to focus upon. And although I quite often participate in the PRIDE annual march with genuine support for your right to full human dignity, equality and non-discrimination, I have to honestly declare that I am still searching for the truth on the issue of same-sex marriages. I am confident that all of you are capable of respecting such positions whilst continuing your search to engage in genuine dialogue to overcome misunderstandings, error, ignorance and prejudice, all of which still abound in many strata of our society. I fully support any dialogue process with faith-based institutions and public awareness-raising, as well as debates on the role of religion and beliefs, culture and social norms in overcoming discrimination on sexual orientation, gender identity and gender expression.

I believe that in recent years the Maltese society has started to inform itself better about LGBT issues and a lot of progress has been registered to attack forms of discrimination in this field. In Malta we do not have any law which comprehensively regulates the field of equality specifically vis-à-vis LGBT's. Malta's Constitution and the European Convention of Fundamental Rights and Liberties, among many other fundamental rights, guarantee that all persons in Malta have "full freedom of conscience and enjoy the free exercise of their respective mode of religious worship". Also every person in Malta is "entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to the established human rights."

Our Equality for Men and Women Act (Chapter 456) and Regulations issued by means of Legal Notice 181/2008, transposing EU Council Directive 2004/113/EC, implement the principle of equal treatment between men and women in the access to goods and services and their supply.

The Employment and Industrial Relations Act (Chapter 452) and the Regulations issued by means of Legal Notice 461/2004, transposing EU Council Directive 2000/78/EC and 2000/43/EC, implement the principle of equal treatment in relation to employment by laying down minimum requirements to combat direct or indirect discriminatory treatment on the grounds of religion or religious belief, disability, age, sexual orientation, and racial or ethnic origin.

Coming to culture and religions, I find that these have tended to enforce a straight heterosexuality at the expense of any other sexual expressions. Although the direct influence of religion in secular society has receded from the government level, the spiritual and moral convictions of legislators necessarily influence, and rightly so, many areas of law-making. It is natural that beliefs and behaviour are intertwined. It is true that there are increasing trends towards tolerance. But, we also witness the serious fissures such changes are causing in the internal cohesion of different institutions, organisations and social groups, as is the case with, say, the Anglican Church.

One of your sub themes is entitled "Being a lesbian is no sin..." I believe that genuine and informed believers do not consider being gay as a sin. But this title brings to mind that tolerance towards sinners was one of Jesus' most controversial teachings, as was his preaching that those who consider themselves better than others should humble themselves and consider their inner situation. As Christians we should, like the Good Samaritan, help minorities attain equal rights even if those people don't have the same beliefs, let alone when they are members of the same social and religious community. Equality and anti-discrimination should be the prime rules of the Christian who loves his neighbour, and although there are gay-friendly Christian groups, we need to dialogue with the anti-gay Christian community so that these become more understanding and tolerant.

We need to overcome established prejudice. We need to reflect on and discuss the conflicts that may exist between freedom of religious beliefs and the interests of same-sex couples, and if they do, how to resolve those conflicts. We need to focus on the possible legal and policy ramifications that are inherent in the recognition of same-sex relationships. I do not believe that such a discussion ought to degenerate into an us-and-them situation, or in a case of 'old ideas' of religious freedom needing to conform with new ideas. Instead, we need to focus on how to protect the fullness of human dignity and the civil liberties for all people.

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