

Malta's IVF law reinforces inequalities

The 'Embryo Protection Act' is an unashamedly homophobic law insofar as it denies access to medical services purely on the basis of sexual orientation. It is also a violation of human dignity by introducing unreasonable and unwarranted intrusions into physical integrity, in its criminalization of egg or sperm donation.

aditus foundation and **Malta Gay Rights Movement** take the opportunity of yesterday's opening of the tendering process for IVF services to reiterate MGRM's earlier criticism of the IVF law (available [here](#)).

Under the IVF law, medically assisted procreation is only open to "*prospective parents*", defined in a discriminatory manner as "*two persons of the opposite sex who are united in marriage, or...who are in a stable relationship with each other.*" In practice, this means that same-sex couples will be automatically denied access to medical services on the basis of their sexual orientation.

Furthermore, the Act imposes severe criminal sanctions against any person who donates his sperm or her eggs outside of the IVF law framework. **aditus foundation** and **MGRM** question the relationship between embryo protection and the fundamental rights of all persons to be protected from violations of their physical and mental integrity, and to decide on core matters such as their private and family lives.

"We question the compliance of Malta's IVF law with human rights law, since it seems to ignore legislation and jurisprudence unequivocally stating that all rights and obligations accessible by different-sex couples should be equally accessible and enjoyable by same-sex couples." Gabi Calleja, MGRM Coordinator.

"We fail to understand why the government is concerned with what men do with their own sperm, and what women do with their own eggs. As long as no third parties are negatively affected, these are decisions for individuals to take, and not for the state to criminalise." Dr. Neil Falzon, aditus foundation Director.

aditus foundation and **MGRM** strongly urge the competent authorities to truly respect, protect and fulfil the rights of all persons irrespective of their sexual orientation and to embrace a more realistic, understanding and indiscriminate notion of 'family'. In particular, the two organisations urge a thorough revision of the Embryo Protection Act to remove all discriminatory provisions and to bring it in line with human rights standards.

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