

Applicant: **Garland, Fae**
Organisation: **University of Manchester**
Funding Sought: £ **[REDACTED]**



Evaluating the Operation of Malta's Gender Identity, Gender Expression and Sex Characteristics Act 2015: To What Extent Has it Enhanced the Bodily Integrity of Intersex Infants?

In 2015, Malta introduced groundbreaking legislation in regards to intersex rights through the Gender Identity, Gender Expressions and Sex Characteristics Act (2015). Section 14 was specifically designed to protect the bodily integrity of intersex persons (those with a combination of masculine and feminine sex characteristics) by prohibiting unnecessary medical interventions on intersex infants. The international reception to this was overwhelmingly positive with the GIGESC frequently depicted as the 'gold standard' in terms of intersex-specific law reform. However, little is known about s.14's actual impact and commentators have begun to identify potential flaws in the legislative framework (Garland and Travis 2018). As States are beginning to look to Malta to inform their legislative agendas on intersex-specific matters, this project uses doctrinal and empirical methodology to evaluate the operation of s.14 GIGESC and considers what lessons States can learn as they begin to give serious thought to medical standards in this area.

[REDACTED] [REDACTED]
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Role Research Administrator
Title Mr
Name Research
Surname Operations
Organisation University of Manchester
Tel @
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Address Oxford Road
MANCHESTER
M13 9PL
United Kingdom

Section 1 - Eligibility

Primary Subject

Please indicate the subject most relevant to your research:

Law

Primary Subject Description - Law

Please select the detail(s) of your primary subject:

- ☒ Legal System and Legal Institutions
- ☒ Medical Law
- ☒ Sociology of Law

Secondary Subject

If your application is more interdisciplinary, you may choose to indicate a secondary subject to which your application might also be relevant:

Sociology

Secondary Subject Detail - Sociology

Please select the detail(s) of your Secondary subject:

- ☒ Gender and Sexuality Studies
- ☒ Public Policy and Management
- ☒ Social Divisions and Inequalities
- ☒ Social Research Methodology

Time Period

Please select your time period(s) from the list below:

- ☒ Contemporary

Regional Interests

Please select your regional interest(s) from the list below:

- ☒ Southern Europe

Audiences

Please select your audience(s) from the list below:

- ☒ Policymakers at national level (e.g. working with Government departments, participating in public in
- ☒ Policymakers at local or institutional level (e.g. membership of Research Ethics Committee)
- ☒ Journalists, broadcasters and other media
- ☒ Charities in the UK
- ☒ Charities overseas
- ☒ General Public

GMS ORGANISATION

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

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Title Professor
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Country United Kingdom

Section 3 - Does App 'earn' Career in the Field of Law?

Statement of Qualification and Career

Please give details of your qualifications and if relevant, your career.

Qualifications	Career
PhD	2004-2007
Masters of Research in Socio-Legal Research	2007-2009
LLM Law	2009-2010
No Response	No Response

Present Appointment

Please state your present appointment.

Lecturer in Law

Present Employing Institution

Please state the institution at which you are currently employed.

University of Manchester

Present Department

Please indicate the Department or Faculty (or equivalent) to which you are attached.

School of Law

PhD Confirmation

Applicants working towards a PhD, or awaiting the outcome of a PhD application, are not eligible to apply.

Please therefore confirm that you have a PhD by one of the following:

If you are an established scholar with relevant research experience, please tick 'yes' and indicate under 'personal statements' below why you are making a significant contribution.

☒ Yes

Personal Statement

Please enter your personal statement:

I have recognised international expertise in intersex and law having co-authored two governmental reports (one funded by the Norwegian Directorate for Children and Family Affairs); acted in an advisory capacity as the Gender Equalities Office drafted the Call for Evidence on Variations of Sex Characteristics; and am now writing a report for the NHS. I also have experience co-ordinating empirical projects. Both my MRes and PhD used empirical methodology and I have been an RA on empirical projects funded by the BA (2010) and the Department of Education. In 2013, Bournemouth Churches Housing Association awarded Professor Jo Little (PI) and myself £5,000 to conduct an empirical investigation into the efficacy of Family Intervention Workers. In 2014, as PI, I received an SLSA Grant (£1,850) for an empirical project which explored the different ways States had begun to recognise intersex within law.

I have taken maternity-leave twice: 11/2014-09/2015 and 10/2017-08/2018

Publications

Please list your principal and/or relevant publications in reverse chronological order, to a maximum of six:

F. Garland and M. Travis (2020), Queering the Queer/Non-Queer Binary: Problematizing the "I" in LGBTI+ in P. Dunne and S. Raj (eds), 'The Queer Outside in UK Law', Palgrave Macmillan Ltd.,

F. Garland, N. Samuelson and M. Travis, (2019) 'Law and Intersex in Norway: Challenges and Opportunities,' (2019).

F. Garland and M. Travis, (2018) 'Legislating Intersex Equality: Building the Resilience of Intersex People through Law' 38 (4) Legal Studies, pp. 587 – 606.

S. Monro, T. Yeadon-Lee, D. Crocetti, F. Garland, and M. Travis, (2017) 'Intersex, Variations of Sex Characteristics, and DSD: The Need for Change', University of Huddersfield

F. Garland and J. Little (2016) 'Children and Domestic Violence: What Do Family Intervention Workers Have to Offer?' in S. Hilder and V. Bettison (eds), Domestic Violence: Interdisciplinary Perspectives on Protection, Prevention and Intervention. Palgrave Macmillan Ltd., pp. 131 - 153.

F. Garland (2014) 'Section 15 Property (Relationships) Act 1976: Compensation, Substantive Equality and Empirical Realities: English', 2014 (3) New Zealand Law Review, vol. 2014, no. 3, pp. 355 -381.

Unpublished Research

Please list any extant unpublished projects funded by the Academy or any other agency, and their expected publication date (or other explanation):

N/A

Previous Support Dates

Please give details of any research application submitted to the British Academy within the last five years:

Please note that only one British Academy research grant may be held, or applied for, at any one time.

N/A

was submitted to the British Academy with the

British Academy

No Response

No Response

No Response

No Response

No Response

No Response

No Response

No Response

No Response

No Response

Library

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

and career.

and

June 2013

Masters in Gender and Sexuality	30 September 2007
LLB in Law	31 July 2006
<i>No Response</i>	<i>No Response</i>

Co-Applicant Present Appointment

Please state your present employment.

Lecturer in Law

Present Employing Institution

Please state the institution at which you are currently employed.

University of Leeds

Co-Applicant Present Department

Please indicate the Department or Faculty (or equivalent) in which you are based.

School of Law

Co-Applicant Personal Statement

Applicants are invited to include any information relating to their professional career which they may wish to be taken into account in assessing this application.

For example, details of a career break, or the effect of working on a part-time contract may be relevant. This is an optional field.

I am recognised nationally and internationally as an expert in the field of intersex and law. I have recently been appointed to the NHS's specialised commissioning group on intersex policy. I have advised the UK's Government Equalities Office drafting of the Call for Evidence on Variations of Sex Characteristics and their Consultation on the Gender Recognition Act. I have co-authored two governmental reports on intersex (one funded by the Norwegian Directorate for Children and Family Affairs) and am currently writing a report for the NHS. As well as influencing the development of governmental and medical policy my work in this area has been embraced by intersex activists who have used it in their own responses to Governments around the world. At an academic level my work has been influential outside of the field of law and has been engaged with by psychologists, sociologists, theologians and medical historians.

Co-Applicant Previous Support

Please give the dates and title of any previous research application submitted to the British Academy within the last five years, and the amount awarded (if any):

Title of Research:	Date:	Amount Awarded:
<i>No Response</i>	<i>No Response</i>	<i>No Response</i>
<i>No Response</i>	<i>No Response</i>	<i>No Response</i>
<i>No Response</i>	<i>No Response</i>	<i>No Response</i>
<i>No Response</i>	<i>No Response</i>	<i>No Response</i>

Co-Applicant Publications

F. Garland, N. Samuelson and M. Travis, (2019) 'Law and Intersex in Norway: Challenges and Opportunities.'

M. Travis (2019), 'The Vulnerability of Heterosexuality; Consent, Gender Deception and Embodiment, 28(3) Social and Legal Studies, pp. 303 – 326.

F. Garland and M. Travis, (2018) 'Legislating intersex equality: building the resilience of intersex people through law' 38 (4) Legal Studies, pp. 587 – 606.

S. Monro, T. Yeadon-Lee, D. Crocetti, F. Garland, and M. Travis, (2017) 'Intersex, Variations of Sex Characteristics, and DSD: The Need for Change', University of Huddersfield.

M. Travis (2015), 'Accommodating Intersexuality in European Union Anti-Discrimination Law', 21 European Law Journal, pp. 180-199.

M. Travis (2014) 'Non-normative Bodies, Rationality and Legal Personhood,' 22(4) Medical Law Review, pp. 526-547.

Section 5 - Second Co-Applicant Career Summary

Co-Applicant Contact Details

Please enter contact details below:

Title:	No Response
Forename(s):	No Response
Surname:	No Response
Correspondence Address:	No Response
Email Address:	No Response
Telephone Number:	No Response

Co-Applicant Statement of Qualifications and Career

Please give details of your academic qualifications and career.

Qualification:	Date:
No Response	No Response
No Response	No Response
No Response	No Response

No Response

No Response

Co-Applicant Present Appointment

Please state your present employment.

No Response

Present Employing Institution

Please state the institution at which you are currently employed.

No Response

Co-Applicant Present Department

Please indicate the Department or Faculty (or equivalent) in which you are based.

No Response

Co-Applicant Personal Statement

Applicants are invited to include any information relating to their professional career which they may wish to be taken into account in assessing this application.

For example, details of a career break, or the effect of working on a part-time contract may be relevant. This is an optional field.

No Response

Co-Applicant Previous Support

Please give the dates and title of any previous research application submitted to the British Academy within the last five years, and the amount awarded (if any):

Title of Research:	Date:	Amount Awarded:
No Response	No Response	No Response
No Response	No Response	No Response
No Response	No Response	No Response
No Response	No Response	No Response
No Response	No Response	No Response

Co-Applicant Publications

No Response

Section 6 - Research Proposal

Subject Area

Please select the subject most relevant to your research:

Title of Research Proposal

Please state the title of your proposed research:

Evaluating the Operation of Malta's Gender Identity, Gender Expression and Sex Characteristics Act 2015: To What Extent Has it Enhanced the Bodily Integrity of Intersex Infants?

Abstract

Please provide a short abstract summarising your proposed research in terms suitable for an informed general audience, not one specialised in your field:

In 2015, Malta introduced groundbreaking legislation in regards to intersex rights through the Gender Identity, Gender Expressions and Sex Characteristics Act (2015). Section 14 was specifically designed to protect the bodily integrity of intersex persons (those with a combination of masculine and feminine sex characteristics) by prohibiting unnecessary medical interventions on intersex infants. The international reception to this was overwhelmingly positive with the GIGESC frequently depicted as the 'gold standard' in terms of intersex-specific law reform. However, little is known about s.14's actual impact and commentators have begun to identify potential flaws in the legislative framework (Garland and Travis 2018). As States are beginning to look to Malta to inform their legislative agendas on intersex-specific matters, this project uses doctrinal and empirical methodology to evaluate the operation of s.14 GIGESC and considers what lessons States can learn as they begin to give serious thought to medical standards in this area.

Project Start Date

Please state the start date of the proposed research:

01 January 2020

Project End Date

Please state the end date of the proposed research:

30 September 2021

Project Duration (months):

The number must not exceed the limit for the scheme.

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Proposed Programme

Please give a detailed description of the research programme, including methodology:

Applicants should be aware of the importance that assessors place on the viability, specificity and originality of the research programme and of its achievability within the timescale, which should be specified in the Plan of Action.

Background:

Intersex is a term that encompasses a wide range of physical variations that at the gonadal, hormonal or chromosomal level gives the individual a combination of masculine and feminine characteristics. Medical narratives have consistently understood intersex people as 'disordered' and in need of 'fixing' despite the benign nature of most intersex variations (Zillén et al. 2017). Accordingly, medical professionals typically surgically assign intersex people to either the male or female sex (Davis 2015). While these medical interventions lack any therapeutic value they can produce lifelong negative consequences both physically and psychosocially (Garland and Travis 2019). Moreover, these interventions are typically performed before the child reaches 12 months old (Lee et al 2006) and therefore before the individual can take part in the

decision-making process. Hence, the primary goal of the intersex movement has been to end these unnecessary medical interventions on intersex infants. In 2015 Malta introduced the ground-breaking Gender Identity, Gender Expression and Sex Characteristics Act 2015 (GIGESC) and became the first jurisdiction in the world to have laws designed to protect the bodily integrity of intersex children. Notably s.14 states that:

"It shall be unlawful for medical practitioners or other professionals to conduct any sex assignment treatment and/or surgical intervention on the sex characteristics of a minor which treatment and/or intervention can be deferred until the person to be treated can provide informed consent."

Medical practitioners who break this law can be fined and, as a result of Act No. XIII of 2018, now face up to five years incarceration (s.14(2) GIGESC). S.14 therefore decouples legal regulation from the traditional and dominant medical understandings of intersex variations (Garland and Travis 2018).

Against this backdrop, s.14 GIGESC has received high praise from the intersex community for "enacting real protections for our community..." which "recognis[e] the legitimacy of the corporeal experiences of these individuals." (Garland and Travis 2018). Thus, Malta very quickly became referred to as the gold standard of law reform (Garland and Travis 2018) with many supranational bodies such as the United Nations hailing Malta to be a "legal benchmark for the rights ... of intersex persons" (2015). Yet, nearly five years on since its introduction, little is known about the actual operation and implementation of this legislative prohibition. Has s.14 actually been successful in enhancing the bodily integrity of intersex infants? Certainly, a growing number of activists and academics are concerned that s.14 GIGESC is only symbolic in operation and may not actually prohibit intersex genital surgeries/hormonal treatment being performed on children without their consent (Garland, Samuelson and Travis 2019). In particular, three major issues have been raised by critical legal appraisals. First, that sanctions may not be severe enough and thus doctors may be ignoring s.14. Even though the 2018 Amendment Act introduced prison sentences, there is still widespread concern that these penalties are not actually being enforced (Garland and Travis 2018; Times of Malta 2019; UN 2019). Second, the GIGESC lacks any extra-terrestrial jurisdiction and thus cannot prevent parents from taking their children abroad to have surgeries in jurisdictions that do not prohibit such practices (Garland, Samuelson and Travis 2019; StopIGM 2019). Third, some critics believe that blanket legislative prohibitions are not suitable for improving medical standards in this area. These critics worry that such legislation will not contain the holistic level of detail required on this complex issue to ensure that intersex individuals are really protected within clinical settings (Garland, Samuelson and Travis 2019). Furthermore, they fear that such a 'heavy-handed' form of State regulation will alienate medics and parents thus preventing meaningful discussions to improve healthcare standards in this area (Garland, Samuelson and Travis 2019).

This project therefore considers how founded these three concerns are in reality by using empirical and doctrinal methodology to explore the practical operation of s.14 GIGESC. These results will be significant both domestically within Malta and internationally given that an increasing number of States are developing their own legislative agenda in this area and are looking to Malta's experience to inform their approach.

Methodology:

Research Aim: To explore how far s.14 GIGESC has enhanced the bodily integrity of intersex infants.

To achieve this, we have identified four core objectives that are to:

1. Outline the design, scope and aims of s.14 GIGESC;
2. Examine whether such medical interventions on intersex infants have ended since the introduction of s.14;
3. Explore how s.14 has affected the broader healthcare experience for intersex individuals; and
4. Consider the implications of these findings for other States considering reform in this area

Objectives 1 and 2 therefore explore the first two aforementioned concerns: that s.14 is only symbolic in operation and has not stopped surgeries/treatment. Objective 3 explores the third concern: whether a legislative prohibition is suitable for changing/improving standards in this area. The methods used for each objective are set out below.

Objective 1: to outline the design, scope and aims of s.14, the researchers will review relevant academic, legal and health-care literature/policy documents and evaluate why a legislative prohibition (rather than e.g. medical guidelines) was adopted to regulate the medical profession. To fully understand this, the researchers will map out how the healthcare system operates in Malta and the relationship between the State, the medical profession and insurance providers. Given that the researchers' background is in UK law and intersex, a research assistant (RA) with a background in healthcare and intersex in Malta will assist this phase to ensure the project produces a complete and accurate understanding of the system's operation. The RA will therefore help develop the necessary strategy needed to conduct this research by: identifying websites/materials/sources/debates/articles relevant to this inquiry; reviewing and analysing legal/policy/academic resources; and translating any documentation unavailable in English (most will be in English given that it is an official language in Malta). The RA will also produce a detailed document for the researchers outlining the operation of Malta's system of healthcare and governance in relation to intersex, both before and after the implementation of the GIGESC.

Objective 2: To examine whether s.14 has actually stopped unnecessary medical interventions on intersex infants the researchers will compare the types of intersex interventions being performed (and at what age) before/after GIGESC's introduction (and subsequent Amendment Acts); rates of parents taking children abroad for intersex surgeries/treatments; and the usage of GIGESC sanctions. Evidence will be gathered through the literature review and additionally through requests under Freedom of Information Act (Cap. 496) to determine the extent of procedures taking place before and after the GIGESC's introduction (The researchers are eligible given that they are citizens in an EU Member State). Furthermore, the researchers will interview gender law/policy experts/specialists from Malta to gain a broad overview of s.14's impact. These interviews will consider the operation of and reception to s.14; whether s.14 has ended these medical interventions; the experience of intersex individuals and their families; and areas of concern/success.

Objective 3: To explore how s. 14 has affected the broader healthcare experience for intersex individuals, interviews will take place with 3 intersex individuals; 3 parents/carers of intersex children; and 3 healthcare practitioners specialising in intersex variations and/or gender identity. Participants will be asked about their perceptions on benefits/limitations of s.14 and whether it's improved healthcare standards for intersex individuals and their families.

Objective 4: To consider the implications of these findings and whether s.14 has enhanced the bodily integrity of intersex infants, the analysis will consider whether the three aforementioned concerns are a practical reality. Accordingly, the project will consider reforms necessary to improve the operation of s.14; the general effectiveness of legislative prohibitions; and suggest a model of good practice for States considering medical standards in this area by highlighting areas in need specific consideration. A workshop will be held at the University of Manchester to present findings to various stakeholders, policy-makers and academics (from Malta and beyond) to determine the practical implications of this in terms of law reform. Thus the workshop will feed into the final report produced for this project.

Bibliography:

Davis, G., (2015) *Contesting Intersex: The Dubious Diagnosis*. (NYU Press: London);

Garland, F. and M. Travis, (2018) 'Legislating Intersex Equality: Building Resilience through Law' 38(4) *Legal*

Studies 587;

Garland, F. and M. Travis, 'Making the State Responsible: Intersex Embodiment, Medical Jurisdiction and State Responsibility,' (Forthcoming 2019);

Garland, F., N. Lem Samuelson and M. Travis (2019) 'Law and Intersex in Norway: Challenges and Opportunities';

Lee et al (2006) Consensus statement on management of intersex disorders. International Consensus Conference on Intersex. 118(2) Paediatrics 488 – 500;

Times of Malta (15th May 2019), "'Human Rights for Hermaphrodites Too', International Organisation Tells Malta" <<https://www.timesofmalta.com/articles/view/20190515/local/human-rights-for-hermaphrodites-too-international-organisation-tells.710086>>;

Zillén et al., 'The rights of children in biomedicine: Challenges posed by scientific advances and uncertainties', (2017) Committee on Bioethics of the Council of Europe;

UN Free And Equal (2019) "Stand Up For Equal Rights & Fair Treatment For Lesbian, Gay, Bi, Trans & Intersex People Everywhere."

United Nations (2015) 'Ending violence and discrimination against lesbian, gay, bisexual, transgender and intersex people'

Other Relevant Information Upload

If necessary, please upload any supplementary documents here:

No Response

Plan of Action

Please indicate here a clear timetable for your research programme:

Try to be as realistic as possible, but keep in mind that research programmes will develop over time and this plan of action is not something that is expected to account for every minute and is not unchangeable. But your chances of award will be affected by the assessors' perception of how viable and realistic this plan is.

This project has three phases: the doctrinal phase (Objectives 1 and 2); the empirical phase (Objectives 2 and 3) and the write-up and workshop phase (Objective 4). There will be four team meetings at approximately 6-monthly intervals. The RA will be employed for 11 months between months 5 and 15 of the project to assist in phases 1 and 2.

Phase 1: Doctrinal Phase (Objectives 1 and 2) Months 0 - 6.

A six-month time-scale is suitable for a mapping/scoping literature review (A. Booth, A. Sutton and D. Papaioannou, Systemic Approaches to a Successful Literature Review 2018, p. 69).

Month 1: First project team meeting.

Months 1-6: Begin literature review. The researchers will also submit Freedom of Information (FoI) Requests to Malta's public hospitals and governmental departments (responses to Fols take approximately 20 days). The researchers both have experience of submitting Fols in the UK. The RA will be employed during the latter part of this phase to identify specific sources relevant to inquiry and conduct a literature review into Malta's Healthcare System.

Months 5+6: RA begins works on literature review

Month 6: RA submits literature review report to researchers (to feed into empirical design).

Month 6: Second team meeting (with RA via Skype)

Phase 2: Empirical Phase (Objectives 2 and 3) Months 6 - 18

Month 6: Design interview schedule/information sheet; conduct pilot interviews; and prepare recruitment advertisements/emails with the RA's assistance (including Maltese translation). All 12 interviews will last one hour and be semi-structured to provide some degree of structure that enables focused discussions round set themes whilst also maintaining a fairly open framework for respondents to raise matters they believe are important. Interviews will be piloted. For the intersex individuals and parent/carers, a UK Intersex Rights Advocate will proofread the interview (see Ethical Issues).

Months 7-15: Recruitment and conducting of interviews. A long time-frame has been given here to allow for enough time to find respondents. Intersex individuals are difficult to recruit (Garland and Travis 2018) and thus this phase of research will involve a number of campaigns to find respondents which the RA will be responsible for owing to their location/knowledge of Malta. There are four categories of respondents from Objectives 2 and 3 who require recruiting. These respondents will be purposively sampled to represent a cross section of views and experiences.

Objective 2 Respondents: 3 gender law/policy experts/specialists from Malta. These respondents will be identified and recruited by the RA or through affiliated organisations/Universities/Public Office websites (e.g. the LGBTI Consultative Clinic) and contacted via email. The interviews will be conducted by the researchers to help the researchers' overview of the area and transcribed by the RA. Due to geographical location of the researchers, they will use telephone interviews recorded by telephone recording equipment.

Objective 3 Respondents: The 3 intersex individuals and 3 parents/carers will be recruited through intersex organisations such as OII and ILGA; patient/parent support groups; websites; social media groups; advertising and snowballing. The 3 healthcare practitioners specialising in intersex variations and/or gender identity will be purposively sampled and similarly recruited by snowballing or identified through websites/publication materials/workplace (e.g. healthcare practitioners working at Malta's specialised Gender service at the Mtarfa Health Clinic, a focal point for health services for intersex, transgender and queer individuals; or the Paediatric Outpatients Clinic at Mater Dei Hospital who manage intersex children) and contacted via email. The RA's background in Malta will be key in recruiting participants.

Objective 3 interviews will also be by telephone (as respondents may be spread across Malta) and recorded. They will be transcribed by the RA (see Ethics section below).

Month 12: Third Project Team Meeting (with RA via skype)

Months 7-17: Analyse data. Interviews will be transcribed as they take place and thus analysis will begin as results come in, but will be most concentrated in months 16 and 17. The RA will feed into this phase drawing on their healthcare background. Data will be analysed using thematic analysis which involves a six step process: familiarisation with the data; generating initial codes; searching for themes; reviewing themes; defining and naming themes; and then producing the report (Braun, V. and V. Clarke (2006), 'Using Thematic Analysis in Psychology', 3(2) Qualitative Research in Psychology 77).

Phase 3: Write up and Workshop (Objective 4) Months 17-21.

Month 17: Fourth Project Team Meeting

Months 17-21: Write up findings

Months 18-19: Organise workshop. Preparation will begin very early-on although details will not be finalised

until closer to the workshop. The workshop will take place in Manchester, where the PI is based. It is within easy reach for those wishing to attend from within the UK and abroad (easily accessible from Manchester Airport).

Month 19: Host workshop. Outcomes of this will feed into the write up phase of the project.

Month 21: Project completed and report submitted to BA.

Planned Research Outputs

Please indicate here what the expected output(s) from your research programme might be.

As appropriate, please indicate as follows: monograph, journal article(s), book chapter(s), digital resources, other (please specify).

Please outline your plans for publication under Plans for publication/dissemination below:

Outputs will include:

1. An understanding of the operation of s.14 and specifically what aspects are most effective/problematic
2. One journal article
3. A workshop disseminating information to policy-makers/ academics/activists and medics
4. Two briefing papers with research summaries designed policy makers, activists and medics. One will be internationally focused, the other particularly for Malta

Plans for Publication and Dissemination

Please state in more detail here what plans you have for publication or other dissemination of your research, including potential publishers, journals, conferences etc that are appropriate for your research subject:

(1) A journal article 'Prohibiting Intersex Surgeries: The Maltese Experience' targeted at Journal of Social and Legal Studies. This paper will be approximately 10,000 and will draw on the empirical findings to consider the lessons that States can learn from the operation of Malta's s.14 GIGESC. (This article will be completed after the end date of the grant).

(2) A workshop disseminating results. This will be held (in Month 19) at the University of Manchester and will include 20 participants. These participants will be from a range of backgrounds including policy makers within the UK (specifically from the Gender Equality Office); activists within the international community (such as OII and ILGA) and a range of academics working on this issue domestically and internationally. Policy makers from Malta's Ministry of Health and Ministry of Family, Children's Rights and Social Solidarity will also be invited. This workshop will not only present the findings but also involve space for debate to consider future implications of these findings in terms of research and policy. This diverse range of participants will enable the full implications of these findings to be considered from different perspectives. The workshop therefore will feed into the write up of the project as it will develop an action plan for (a) how Malta needs to respond to these findings to improve the intersex experience and (b) for States who wish to protect the bodily integrity of intersex infants. The workshop will also help develop future work by identifying additional needs for future research, and lead to a more co-produced research project in the future.

(3) Two briefing papers would be produced to disseminate the key findings from the report. The first briefing paper would focus more generally on the research findings so that it can be used internationally. This would be posted on a website, sent to international intersex activists and also to differing States who are considering reform (e.g. in the UK a briefing paper will be sent to the Gender Equalities Office who are currently considering medical standards in this area). Namely it will summarise transferable points of good practice; areas of concern; and areas that will require adapting to the context of different States. The second briefing paper would be Malta specific. This would be sent to key stakeholders including policy

makers (e.g. Malta's Ministry of Family, Children's Rights and Social Solidarity as well as the Ministry of Health); activists and intersex organisations (e.g. the LGBTI Consultative Clinic).

These outputs could be translated into other languages if there was a need identified for them to be used by non-English speakers.

(4) The researchers will work with the University of Manchester's and University of Leeds' press offices to ensure that the research findings are promoted to as wide a reach as possible.

Digital Resource

If the primary product of the research will be a digital resource have you obtained guidance on appropriate standards and methods?

☒ No

Deposit of Datasets

Please provide details of how and where any electronic or digital data (including datasets) developed during the project will be stored, along with details on the appropriate methods of access:

It is a condition of award that all data be freely accessible during, and beyond, the lifetime of the project.

The researchers have completed a Research Data Management Plan through the University of Manchester (UoM) as part of this application to ensure the project complies with GDPR and data protection laws. This plan will be reviewed throughout the project. The PI has also had training in Data Protection and has taught a postgraduate Data Protection Module as part of the MRes in Socio-Legal Research.

The project will generate textual notes from the readings of published texts and also new empirical data. The textual data will be stored on encrypted PCs and laptops and shared amongst the researchers until produced in report format. Empirical data will be generated in audio format from the 12 hour-long telephone interviews. Interviews will be recorded using an encrypted UoM-provided recording device (stored in a locked cabinet in-between use). Audio files will be stored MP3 or WAV format (standard formats for such files). These recordings will be transcribed, anonymised and analysed (see ethics section). Any field-notes made during the interviews will be scanned as an encrypted PDF and the anonymised transcripts will be kept in Microsoft Office Word 2010/2007 and encrypted. All electronic files will be transferred to the UoM-approved Research Data Storage Server ASAP to ensure that a master copy is backed up and the file is encrypted (Off Campus access is through VPN). The Co-I, based at the University of Leeds will apply for a University of Manchester user name so that he can have access to the Storage Server throughout the lifetime of the project. A data transfer agreement will be in place between the UoM and the University of Leeds for any data that transferred to the University of Leeds. Files not held on University servers will be stored on an encrypted device for temporary storage only (e.g. an encrypted USB stick). Once uploaded to the server, the files will be deleted from the temporary device.

All audio files and files containing personal information will be deleted at the end of the project. The anonymised transcriptions will be kept beyond the lifetime of the project in keeping with the award's requirement in the UoM's Data Archive Service. However, due to the highly sensitive nature of this research it is essential that the identities of participants remain concealed and thus the raw data set (anonymised transcribed interviews) will not be publicly available. There are expected difficulties sharing this sort of data e.g. participant confidentiality and consent agreements. To minimise such difficulties, data will be anonymised, participant consent will be gained over the use of data in future research and, subject to informed participant consent, researchers may request access to the anonymised data on the condition that they sign a non-disclosure agreement. To ensure people know of this dataset, the researchers will make a metadata record available in the University's research portal (Research Explorer) which describes

the data and provides details of how to request access.

Additionally, any publications from this research will be made available on our institutional deposit systems.

Overseas Travel - Country

If your research involves travel abroad, please select the relevant country/countries:

No Response

Overseas Travel - Country

If your research involves travel abroad, please select the relevant country/countries:

No Response

Overseas Travel - Country

If your research involves travel abroad, please select the relevant country/countries:

No Response

Overseas Travel Institution

Please indicate if your research involves working in a particular overseas institution, and/or add other countries to which you will travel in connection with this application:

N/A

Research Leave Granted/Permission Obtained

Please indicate if you will need to be absent from your employing institution in order to undertake the proposed research, and if so, whether the necessary permission has been obtained:

N/A

Support of British International Research Institute Required/Granted

Will you require the (non-cash) support of a British International Research Institute abroad?

If your research will take you to a country or region in which one of the British International Research Institutes operates, you are strongly encouraged to make contact with it before completing this form so that you can take account of any relevant expertise, facilities and logistical advice: Details can be found on the Academy's website at <https://www.thebritishacademy.ac.uk/international/research-institutes>.

☒ No

Language Competence

Please indicate here, if relevant, your level of language competence, or otherwise explain how the objectives of the research will be met:

English is one of the official languages of Malta and most policy reports, governmental discussions and academic literature should be available in English. Any documents that are not available in English will be translated by the RA. The RA will also translate advertisements for empirical phases into Maltese along with any forms needed to comply with ethics (e.g. consent forms/interview schedules etc). Where necessary, she will conduct the interviews in Maltese (as well as transcribing and translating these too). The majority of Malta speaks English, however, there is a small chance that some interview respondents will require the interview to take place in Maltese.

Other Participants

Please give the names, appointments and institutional affiliation of any other participants in the proposed research. If detail is not known yet, please indicate numbers and status of people who might be involved:

A research assistant, [REDACTED], will work on the project.

Role of Other Participants

Please describe the contribution to the project to be made by other participants, citing any particular specialisms and expertise:

Given that the background of the researchers is not in healthcare, the RA's role will be of significant importance to help decipher the complex relationship between the healthcare profession, the state and private insurance companies. Consequently, our identified RA has a strong background in healthcare policy, working as a Biomedical Scientist who specialised in Male Infertility and who is currently managing the Diagnostic Andrology Laboratory within the National Health Service at Mater Dei Hospital. She also holds a B.A. degree in Theology and a Masters of Arts in Bioethics (from the University of Malta) with her Masters dissertation entitled 'The Intersex Child: An Ethical Approach to Holistic Care'. This work not only reviewed care practice in this area but involved an analysis of the GIGESC legislation. While the RA has an excellent background in this subject area, her experience also means that she is well placed to recruit respondents. She has worked with many of the core healthcare professionals in this area (having worked at Mater Dei Hospital) and is familiar with the patient/parent support groups. This familiarity will be crucial in recruiting respondents for the empirical phase.

Moreover, the RA has worked as a Social Assistant and thus has experience at conducting interviews. She is also familiar with the operation and remit of Malta's Health Ethics Committee. Given that the PI has had extensive experience teaching qualitative methodology and analysis, empirical ethics and data protection on the MRes in Socio-Legal Research, she is well placed to identify any additional needs that require further training and to provide training on matters such as transcription conventions and data protection. Being employed by the University of Manchester, the RA will also have access to courses such as 'Qualitative Methods and Skills Workshop' should there be a need to bolster experience.

Added Value of Collaboration

Please provide any comments you wish to make on the particular relevance, timeliness or other aspects of the collaboration, and the benefits envisaged:

This project is extremely timely given that academics and activists as well as international law have been increasingly critical of these unnecessary medical interventions on intersex infants. Supranational bodies such as the United Nations (2016), the Council of Europe Commissioner for Human Rights (2015), and the European Parliament (2018) have declared such practices to be violations of fundamental human rights and are now calling upon States to intervene to bring about their end. Consequently, more States are now considering the possibility of introducing similar legislative prohibitions to Malta. In 2018, Portugal introduced prohibitive legislation through Law No. 75/XIII/2 and California now has Senate Bill 201 under consideration that similarly focuses on ending these forms of medical interventions. Indeed, in the UK although there is no legislative prohibition in draft form, the UK government (amongst others) is seriously considering medical standards in this area having recently released a recent Call for Evidence on Variations in Sex Characteristics (2019). Thus, as jurisdictions across the globe are at a critical moment in terms of the momentum towards legislative prohibitions, it is of fundamental importance that Malta is critically assessed so that these results can feed into how States design and implement such legislation accordingly.

References:

Council of Europe Commissioner for Human Rights 'Human Rights and Intersex People.' (2015).

European Parliament 'European Parliament Resolution on the situation of fundamental rights in the EU in 2016' (1 March 2018).

United Nations (2016) 'Ending violence and discrimination against lesbian, gay, bisexual, transgender and intersex people'.

Endangered or Emerging Subject Area

Applicants should be intending to pursue original, independent research in any field of study within the humanities or social sciences. There are no quotas for individual subject areas and no thematic priorities. The primary factor in assessing applications will remain the excellence of the proposal. The Academy will, however, where appropriate, take into account the aim of providing particular support for certain important fields, either emerging areas of scholarship or areas of research that are endangered or under threat.

As of yet, only one empirical study has been conducted on intersex and law (Garland and Travis 2018). Consequently, this area is very under researched and yet it is growing in terms of law reform momentum. Moreover, while Garland and Travis (2018) engaged with activists and highlighted the need for a legislative prohibition on unnecessary intersex surgeries, there is currently no evidence as to whether such reforms in practice will end unnecessary interventions or enhance the healthcare experience of intersex individuals in practice. It is therefore of fundamental importance that research is produced to highlight the practical implications of such legal reform. The examination of the Maltese experience is particularly important given that Malta is one of only two jurisdictions to introduce such a legislative provision. While Portugal has introduced similar reforms in 2018, not enough time has passed to consider their impact. By the time the empirical data is collected, s 14. GIGESC (Malta) will have been in operation for almost six years thus given it sufficient time to begin to see the impact of the provision.

Moreover Garland and Travis (2018) only interviewed intersex activists. The study proposed in this grant application will additionally shed some light on parents/carers and healthcare practitioners who are also affected by legal reforms in this area, but frequently overlooked. It is vitally important all perspectives are captured to ensure that reform best protects intersex infants' interests and enhances their healthcare experience.

Ethical Issues

Are there any special ethical issues arising from your proposal that are not covered by the relevant professional Code of Practice? You must answer yes or no:

☒ Yes

Have you obtained, or will you obtain ethical approval from your employing institution or other relevant authority? You must answer yes or no:

☒ Yes

If the answers are yes to special ethical issues and no to having obtained prior approval, please describe here the non-standard ethical issues arising from your research and how you will address them:

If the answer is no to special ethical issues please enter N/A

Yes, I will obtain approval from the University of Manchester's ethics committee. This research involves sensitive topics given that we will be talking to intersex individuals and parents/carers about the prohibition of medical interventions on intersex infants. While the expectation is that respondents will be discussing their views on law and policy, respondents may raise matters that touch upon highly personal and sensitive topics and experiences. The PI has had extensive training in qualitative methodology and ethical concerns and is experienced in interviewing on subjects that raise such topics and experiences. (She has interviewed intersex adults and also has interviewed survivors of domestic violence regarding the support they received from a Family Intervention Worker). Consequently, she is able to identify when to terminate an interview if the participant become uncomfortable/distressed and how to provide follow up support. The PI will ensure the RA is sufficiently trained before taking any interviews or, in any doubt, take them herself. To minimise such situations, the researchers will not only get full ethical approval from the University of Manchester, but the interview schedule will be scrutinised and piloted by an intersex rights activist, Valentino Vecchietti, to ensure that it is appropriately worded. Furthermore, support groups will be identified with their help for referral of any distressed participants (details of these will be included on the participant information sheet).

Furthermore, participation will be completely voluntary and confidential; respondents will be fully informed and able to withdraw at any time; and data collected will be fully anonymised and stored securely in compliance with the GDPR and data protection laws (see Deposit of Datasets above). Participants will be asked to sign a consent form to confirm they understand the research that they are participating in and for the use of their anonymised data by future researchers (see above). To ensure consent is fully informed, a University of Manchester-approved Participant Information Sheet (PIS) will provide information about the project and data management. This sheet will give information on matters including: research aims; what participation involves (an hour-long interview); what will happen to their data (including who will have access); how it will be anonymised and confidential; and how it will be used in the future. Respondents will also be able to withdraw from the research at any time. The information sheet will also contain a contact details for more project information or for any complaints/concerns that they have regarding the project. The consent form will confirm that participants have read and understood the PIS. The intersex rights activist will proof read these forms. As the interviews are being conducted by telephone, they will take place in a secure, confidential environment where it is not possible to be overheard. Similarly, the transcriptions will take place in a similar environment. Owing to the confidential information of the interviews, the RA will conduct the transcriptions rather than a third party. The transcriptions will anonymise the identity of the participant as soon as practicable by removing any identifiable information (The RA will be specifically trained by the PI on how to do this as well as on transcription conventions). These audio files, anonymised transcripts and field notes will be securely stored and encrypted (see deposit of data sets section). Paper files containing personal and sensitive information will be stored in a locked cabinet, and scanned and uploaded onto the Server with the paper copy deleted.

All audio files and files containing personal information will be deleted at the end of the project, while the anonymised transcriptions will be kept for longer. This information will be included on the information sheet. This research will comply with the BA's and University of Manchester's ethical guidelines (applying to its ethics committee). It will unlikely to be necessary to seek approval from Malta's Health Ethics Committee as although the work is being conducted in Malta's health sector with practitioners, the research itself is not of a medical nature and thus does not fall within the Committee's remit. Rather discussions centre on non-sensitive issues relating to legal regulation of the healthcare practitioner in their professional capacity. Nevertheless, the researchers have contacted the Health Ethics Committee to confirm that this is the case. Thus, is the Ethics Committee confirm that approval is

required, then approval will be sought. The RA has had experience of submitting such requests to the Committee and thus will be able to assist in this matter prior to the project starting. (Ethics approval will be sought immediately after an award is confirmed)

Source of Funding

Have you/any co-applicants made any other applications in connection with this project? If so, with what results?

No

Section 7 - Financial Details

Period	Item Type	Item	Field	£
Year 1	Travel Costs	Travel Costs	Proposed Cost	
	Other Costs	Other Costs	Proposed Cost	
	Accommodation	Accommodation	Proposed Cost	
	Consumables	Consumables	Proposed Cost	
	Research/Clerical Assistance	Research/Clerical Assistance	Proposed Cost	
Year 1 Total			Proposed Cost	
Year 2	Travel Costs	Travel Costs	Proposed Cost	
	Other Costs	Other Costs	Proposed Cost	
	Accommodation	Accommodation	Proposed Cost	
	Consumables	Consumables	Proposed Cost	
	Research/Clerical Assistance	Research/Clerical Assistance	Proposed Cost	
Year 2 Total			Proposed Cost	
Year 3	Travel Costs	Travel Costs	Proposed Cost	
	Other Costs	Other Costs	Proposed Cost	
	Accommodation	Accommodation	Proposed Cost	
	Consumables	Consumables	Proposed Cost	
	Research/Clerical Assistance	Research/Clerical Assistance	Proposed Cost	
Year 3 Total			Proposed Cost	
Total	Travel Costs	Travel Costs	Proposed Cost	
	Other Costs	Other Costs	Proposed Cost	
	Accommodation	Accommodation	Proposed Cost	
	Consumables	Consumables	Proposed Cost	
	Research/Clerical Assistance	Research/Clerical Assistance	Proposed Cost	
Total			Proposed Cost	

Justification

Please refer to the scheme guidance notes for full details of eligible costs.

Please provide details of funding related to the relevant fields set out in the financial details table

On 10/10/2017, [REDACTED] advised that the [REDACTED] was not
 a "discovery" under 28 U.S.C. § 1782(b)(1) and that the [REDACTED] was not

Recruitment (amounting to 16 days work in total): This project has been given a long, but realistic time frame through which to recruit respondents. Both the researchers have been involved in projects that have had to recruit such participants and recognise that it is difficult (although possible) to find intersex individuals given that many individuals do not openly identify as intersex. Therefore it is important to give enough time to this process (see Garland and Travis 2018). The RA will take a leading role on recruitment owing to both her background (has worked in Malta's main hospital) and her location (lives in Malta). The RA's background means she is able identify relevant healthcare practitioners and gender law/policy experts/specialists. Moreover, the RA will be able to physically promote the project by going to clinics/patient support group locations/LGBTI events and promote the event through fliers, posters and face-to-face communication. This latter strategy will be an important driving-factor in recruiting and building trusting relationships with potential respondents and is likely to be more effective than only posting adverts on social media/webpages (although we will also use this research strategy too). The researchers would not be able to physically conduct such recruiting without multiple trips to Malta.

The Analysis Phase (Months 7 – 15: 4 days work). The length of employment means the RA can also input in the gradual analysis of the interviews, pointing out healthcare specific/Malta-specific issues and themes that may not be apparent to the researchers.

Name of Special Fund

If the scheme includes funding from more than one source, please indicate if your application is relevant to a particular special fund - details in scheme guidance notes

N/A