



Research Summary

MALTA LGBTQI+ and Ageing in a Nutshell

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Executive Summary

This report summary provides a concise overview of Lesbian, Gay, Bisexual, Trans, Queer and Intersex (hereafter LGBTQI) people's rights in Malta since 1960 (the decade when Malta became an independent state). The document has been prepared within the framework of the project [TRACE-Tracing Queer Citizenship over Time](#): Ageing, ageism and Age-related LGBTI+ Politics in Europe, based in the [Centre for Social Studies](#), University of Coimbra- Portugal. As such, it summarises important topics such as criminalisation, legal and social repression, the road to decriminalisation, and the role of the European Union and other modernisation and democratisation processes.

By highlighting milestones such as legal accomplishments and offering a brief assessment of relevant statistical data, the report provides an outline of LGBTQ people's equality in Malta. Furthermore, a distinct emphasis will also be placed on topics such as Age and Ageing – paying special attention to LGBTQ people's ageing. This focus is particularly pertinent considering the contemporary prioritisation of ageing as a critical domain within governmental policies, research frameworks and the scope of this investigation project (Santos, 2022).

1. The Maltese Context

Malta is a Mediterranean microstate archipelago with an extensive history of colonisation covering more than five millennia. It is constituted of 3 islands: Malta, Gozo and Comino. The archipelago has a population of 535,312 inhabitants across its 312 km² (UN Worldometer, 2023). After successive external control eras, Malta gained independence from Britain in 1964.

In 2004, Malta became a member of the European Union (EU). The accession of this “historically Roman Catholic” archipelago (Deguara, 2018), “one of Europe’s last pro-life sanctuaries” (The Catholic World Report, 2023), into the EU, fuelled a set of significant queer-related legislative changes that will be analysed during this report summary.

In about a decade, Malta metamorphosed from a country where divorce was forbidden (until 2011) and scored 0% (2012) according to ILGA’s Rainbow Europe Index¹, into a country considered “pioneers of

¹ ILGA-Europe makes this ranking according to the following information: “The rankings are based on how the laws and policies of each country impact on the lives of LGBTI people. The ranking records a country’s legal standards for comparison with its European neighbours but the numbers only provide one part of the story. (...) ILGA-Europe track each country using a wide range of indicators; covering everything from equality, family issues and hate speech to legal gender recognition, freedom of expression and asylum rights” (ILGA Europe, 2023:n.p). Available at: <https://www.rainbow-europe.org/country-ranking#eu> [Accessed 24-08-2023].

progress, exemplary to other European countries and the rest of the world” (Fenech, 2021:3) regarding LGBTQ legal protection (ILGA Europe, 2023; Ferrara, 2021; Brilhante, 2022).

Although population ageing is a global trend (WHO, 2022), demographic projections from the European Commission (2015) indicate that Malta will be one of the fastest ageing countries in the EU (Ministry of Active Ageing, 2022). According to Malta’s former Commissioner for Older Persons, Mary Vella, one of the most significant developments that the Maltese society faces is precisely its ageing population (OCOP, 2021). Data from Statista indicates that the life expectancy at birth from 2011 to 2021 in Malta, is 84.5 years and 81.3 years for female and male individuals, respectively. Thus, the topic of population ageing is not a minor subject in Malta, and therefore, it is not by chance that the United Nations (UN) International Institute on Ageing is located in Valletta, Malta’s capital city.

To conclude, Malta is a European country which pays special attention to issues such as LGBTQ people’s rights and its ageing population, with remarkable legislative frameworks regarding both the human rights of LGBTQ people and ageing. In the ongoing National Strategic Plan for Active Ageing (2023-2030), the Maltese government acknowledges and intersects, for the first time, the particular needs of its queer ageing population.

2. LGBTQI+ People’s Rights

Even though the law that decriminalised homosexuality in Malta dates back to 1973, it was only after the turn of the millennium - most notably from 2014 onwards - that the Maltese archipelago ushered a set of significant transformations regarding queer people’s legal rights. The following images illustrate the progress in the country in a 10-year range (2013-2023).

In 2013, Malta scored a modest 35% in ILGA's ranking, along with countries such as Slovenia, Czech Republic and Ireland. At that time, the National Commission for the Promotion of Equality had already (in 2012) expanded the scope of its hate crime and hate speech regulations to include sexual orientation and gender identity.

In 2014, the Maltese government amended the Maltese Constitution. In Article 32: Fundamental Rights and Freedoms of the Individual -, the amendment included "sexual orientation" on the list of characteristics subject to respect for every person, and, in Article 45, provided protection in the field of employment against discrimination on the grounds of sexual orientation and gender identity. This is also the year of the approval of the Civil Unions Act 2014, granting same-sex couples the same rights as heterosexual couples. This bill also allows joint adoption by same-sex couples (Reuters, 2014).

In 2015, a transposition of EU's employment Directives into Maltese law amended (Act N° XI 2015) the Equality for Men and Women Act (CAP 456), introducing the grounds of sexual orientation, gender identity, gender expression and sex characteristics as protected grounds. The National Commission for the Promotion of Equality, which in 2012 extended its grounds for SO and GI, becomes more comprehensive through the Act XI of 2015 which encompasses the grounds of Gender Expression and Sex Characteristics. Another relevant milestone in 2015, Malta introduced the Gender Identity, Gender Expression and Sex Characteristics (GIGESC) Act 2015. The Act entitles every citizen of Malta (and also people who had been granted international protection) the recognition of their gender identity; the free development of their person in accordance to their gender identity; to be treated according to their gender identity; to be identified accordingly in their documents and, finally, bodily integrity and physical autonomy. This law also includes "anti-discrimination and promotion of equality provisions, placing an obligation on the public service to ensure that unlawful sexual orientation, gender identity, gender expression and sex characteristics discrimination and harassment are eliminated. It also stipulates that services must promote equality of opportunity to all, irrespective of sexual orientation, gender identity, gender expression and sex characteristics" (Government of Malta). The legal recognition is based on self-determination for persons aged 16 or over, and, for minors, parents must ask the Court of Voluntary Jurisdiction on behalf of their children (Government of Malta). Article 14 of this law also prohibits surgeries and unnecessary medical interventions on intersex children without their informed consent. This is also the year (2015) that Malta approved its first LGBTI Action Plan (2015-2017), which included a commitment to introduce an alternative gender marker to M/F.

Since 2016 until this day, the archipelago has been #1 in the aforementioned ILGA-Europe Rainbow Index. This is the year of the approval of the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act 2016. This act clearly prohibits conversion "therapies" and it 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, [or] disability” (Act No. LV of 2016). Act n° LVI of 2016 de-pathologized trans identities.

In the following year, Malta made significant strides in LGBTQI rights by legalising marriage equality for same-sex couples through Act XXIII of 2017 (Groot, 2022). This landmark year also saw the introduction of the gender "X" marker, available to all individual holders of Maltese ID cards or passports, further solidifying Malta's commitment to gender inclusivity (Ministry for European Affairs and Equality, n.d).

In early 2018, a legal notice on the Social Security Act (Law n° 44) announced 'gender identity and sex characteristics related conditions' in the entitlement schedule relative to the National Health Service. Moreover, the Act (n° XXIV of 2018) amended the Embryo Protection law, which regulates fertility services in Malta (which are free and offered by the public hospital- upper age for entitlement 42yo). This amendment implemented the use of inclusive terms, such as “prospective parent”, and extended IVG treatments to same-sex couples and single women. Furthermore, the Human Rights and Integration Directorate set up a dedicated SOGIGESC unit in 2018, which was responsible for the implementation of the second LGBTQI Action Plan (2018-2022).

In September 2019, the local queer organisation MGRM launched the HIV Malta campaign and website.

More recently, in 2022, bill n°5 of 2022 made new amendments to the IVF legislation. With the new legislation, IVF's upper age of entitlement was extended to 45 years old.

2023 is the year that marks 50 years of decriminalisation of homosexuality in Malta, and there are a couple of relevant milestones to register; the hosting of the Europride 2023 which took place in Valletta, Malta's capital city, and the new LGBTQI Equality Strategy and Action Plan (2023-2027). Moreover, a representative of the Maltese Health Ministry told a local news website, that the inclusion of PrEP medication in the government formulary will be addressed in the Sexual Health Strategy of 2023 which will be presented “later this year”² (Lovin Malta, 2023).

In July 2024, an amendment to the Gender Identity, Gender Expression and Sex Characteristics Act (ACT, n° XXV, 2024), recognised and legally established the option of gender 'X' on all state documents for individuals who do not identify as either male or female. (Times of Malta, 2024).

This section provided a summary of the legal advances regarding LGBTQI people's rights in Malta within the last decade. The following table provides a timeline of LGBTQI advances, starting in 1964

² The Labour Party has actually been offering free PrEP (And PEP) medication as part of their campaign since 2017 (Lovin Malta, 2024). However, as of this report (mid 2024), we found no evidence that HIV medication is currently available for free in Malta.

(Maltese independence from the UK) and offering also other relevant dates such as EU membership or amendments to the abortion law.

2.1 Timeline of LGBTQI+ Rights

Date	Description
1964	Malta's Independence from the UK
1973	Decriminalisation of homosexuality
1975	Civil (cis-heterosexual) marriage
2004	Malta becomes a member of the EU (and has its 1 st pride march)
2012	<p>Amendment to the criminal code includes under the scope of its hate crime and hate speech regulations sexual orientation and gender identity (ACT No. VIII of 2012)</p> <p>The National Commission for the Promotion of Equality extended its grounds for SO and GI</p>
2014	<p>The Maltese Constitution included sexual orientation on the list of characteristic subjects of respect for every person in Malta (X.2014.2 amendment);</p> <p>Act N° X of 2014 provided protection in the field of employment against discrimination on the grounds of sexual orientation and gender identity;</p> <p>Civil Unions Act 2014, granted same-sex couples the same rights as heterosexual couples</p> <p>Approval of joint adoptions by same-sex couples</p>
2015	<p>Introduction of the Gender Identity, Gender Expression and Sex Characteristics (GIGESC) Act.</p> <p>ACT N° XI 2015 amends the Equality for Men and Women Act, introducing the grounds of sexual orientation, gender identity, gender expression and sex characteristics as protected grounds in employment directives.</p>

The amendment also bans discrimination in access to education, the provision of support to students, in the curriculum and textbooks and assessments.

The National Commission for the Promotion of Equality extended its grounds for Gender Expression and Sex Characteristics

First National LGBTI Action Plan (2015-2017)

2016	Approval of the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act 2016 (Act No. LV of 2016) Approval of act n° LVI of 2016 that de-pathologised trans identities
2017	Same-sex marriage (Act XXIII of 2017) Introduction of Gender "X"
2018	Social Security Act (Law n° 44) announced 'gender identity and sex characteristics related conditions' in the entitlement schedule relative to the National Health Service Act (n° XXIV of 2018) amended the Embryo Protection law, implementing the use of inclusive terms, such as "prospective parent", and removing discriminatory exclusions based on sexual orientation or gender characteristics The second LGBTI Action Plan was approved (2018-2022)
2019	Policy on <i>Inclusive Education in Schools: Route to Quality Inclusion and a National Inclusive Education Framework</i>
2022	Bill 28- Penal Code- abortion law, allows abortion in death/life circumstances
2023	New LGBTQI Equality Strategy and Action Plan (2023-2027)
2024	ACT n° XXV of 2024 - Gender Identity, Gender Expression and Sex Characteristics (Amendment) Act, 2024

3. Ageing

Population ageing is a global trend. Malta's demographical setting was traditionally featured as youthful until the mid-20th century. This tendency changed snappishly at the end of that century (please refer to Figure 3.), mainly fuelled by the increasing life expectancy and declining birth rate (Formosa, 2019). Demographic projections from the European Commission (2015) indicate that Malta will be one of the fastest ageing countries in the EU (Ministry of Active Ageing, 2022).

The first legislative measure intended to improve the quality of life of older persons in Malta was the Old Age Pensions Act in 1948 which attributed a set of social, economic and social services to older persons (Formosa, 2021).

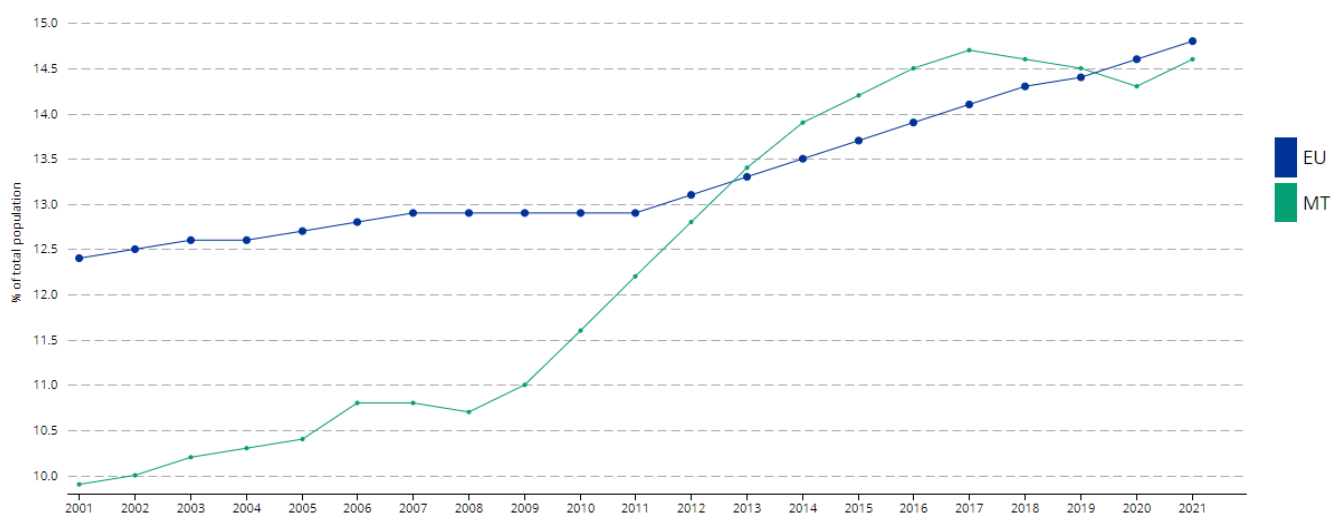


Figure 3. Population aged 65 to 79 years in Malta (green) and the EU (blue). Source: [Eurostat](#). [Accessed 27-11-2023].

In 1956, Malta saw the implementation of two other significant legislative acts: the National Assistance Act and the National Insurance Act, alongside the establishment of the Department of Social Security. These actions extended the coverage of the preceding law and extended social support to the vulnerable population. The legislation also introduced complimentary institutional care for senior citizens, free hospitalisation and treatment in all government-run institutions and hospitals and a universal contributory pension scheme (Gov. MT, n.d.: n.p.; Formosa, 2021).

In 1987 Malta was one of the first EU countries “whose government included a Junior Ministry for the Care for the Elderly” (Ministry for Active Ageing, 2022).

In 1988, by the recommendation of the EU's Economic and Social Council, the International Institute of Ageing was inaugurated in Malta.

In the 1990s there were several important measures concerning the elderly population: the launching of the National Council for the Elderly (KNA); various community care services were created with the objective of enabling older persons to “age in-place as long as possible”; the founding of residential care services in village communities; also the founding of a geriatric rehabilitation hospital; and the “much needed” renovation of the St. Vincent de Paul Long-term Facility (Formosa, 2021).

In 1993, there was the launching of the first University of the Third Age (U3A), open to everyone above 60 years old (Malta University, n.d.). Nowadays [in 2024], U3A has seven centres, six in Malta and one on the island of Gozo.

In 2009 the Parliamentary Secretariat for the Elderly and Community Care launched the Malta Dementia Strategy Group to assess the status and information about individuals with dementia in the Maltese Islands.

In 2012, the Ministry for Social Policy and Children's Rights introduced a yearly Senior Citizen Grant (SCG) through the Gemma programme. This grant is available to Maltese nationals aged 75 and over who live in their own residence or with relatives. Initially, the €300 allowance was provided annually to those aged 80 and over, but the eligibility age was reduced to 78 in 2013 and to 75 in 2014. Since 2020, the yearly grant has increased to €350 for individuals aged 80 and over who live independently³.

In 2013, Malta launched its first National Strategic Policy for Active Ageing (NSPAA/2014-2020).

In 2014 the Maltese Government made an amendment to the Criminal Code. Act XXXI adds article 257F “Of abuse on elderly⁴ or dependent persons”. This is the first law in Malta that deals specifically with elder abuse (Darmanin, 2019).

In 2015, the Parliamentary Secretariat for Rights of Persons with Disability and Active Ageing published the National Strategy for Dementia in the Maltese Islands (2015-2023) and the National Minimum Standards for Care Homes for Older People.

In 2016, through Act X, the Government of Malta created a Commissioner for Older Persons. The Act also indicates the creation of a Council for Older Persons.

In 2020 the Government of Malta created the Ministry for Active Ageing which, together with the Ministry for the Family, Children's Rights and Social Solidarity, published the guidelines “Social Regulatory Standards for High Dependency Chronic Care Services for Older” Persons (2020). The year after (2021), this newly formed Minister through its Social Care Standards Authority published a new set of

³ Source: www.Gemma.gov.mt

⁴ Being considered old, a person who is 60 years old or more.

national guidelines targeting “Residential Services for Persons Living with Dementia in Homes for Senior Citizens” (Social Care Standards Authority, 2021).

In 2023 it has been published the second National Strategic Policy for Active Ageing (NSPAA) 2023-2030 which expanded its lens over the specific needs of LGBTQI elders. Moreover, during the first trimester of 2023, there were new advances regarding older people’s rights, as the Government of Malta began formal debates on the establishment of the Older Persons Standards Authority (OPSA) and Act (Government of Malta, 2023).

This section provided an overview of relevant milestones regarding old people’s rights in Malta which are summarised in the timeline that follows.

3.1 Timeline of Older People’s Rights

Date	Description
1948	Old Age Pensions Act – Attributed social, economic and social services to older persons
1956	National Assistance Act and the National Insurance Act: Establishment of the Department of Social Security, free hospitalisation and treatment in all government-run hospitals and institutions for senior citizens and a universal contributory pension scheme
1979	Amendment to the National Assistance Act established a non-contributory pension scheme and granted the right to two-thirds of pension to all contributors
1987	The government created the Junior Ministry for the Care of the Elderly
1988	Establishment of the International Institute of Ageing in Valletta- reference worldwide in policy on ageing
1992	Setting up of the National Council for the Elderly: is an NGO that brings together associations/organisations that form of service to the elderly

2009	Launching of the Malta Dementia Strategy Group: accesses the status and information about w/dementia on the islands
2013	First National Strategic Policy for Active Ageing (NSPAA 2014-2020)
2014	ACT XXXI of 2014 amends the Criminal Code adding a section named "Of abuse on elderly or dependent persons"
2015	National Strategy for Dementia (2015-2023) and the National Minimum Standards for Care Homes for Older People:
2016	Creation of the Commissioner for Older Persons (ACT X of 2016) and the Council for Older Persons: whose missions are to monitor compliance with international treaties, conventions and agreements.
2018	Social Security Act (CAP. 318) Sets the rates regulations for State Financed Residential Services which are calculated according to the resident income and shall not leave any resident with less than 1.307.62€ per annum; Also ACT XV of 2018 that provides the regulation of social welfare provided to individuals, as to regulate for the powers, duties and financial resources of the Social Care Standards Authority
2020	Creation of the Ministry for Active Ageing. This ministry launched the same year the Social Regulatory Standards for High Dependency Chronic Care Services for Older Persons
2021	Publication of the National Guidelines: Residential Services for Persons Living With Dementia in Homes for Senior Citizens
2023	II National Strategic Policy for Active Ageing (the first addressing LGBTQ older people) and the first steps on the creation of the Older Persons Standards Authority (OPSA) which will be responsible for regulating the services that are provided to older persons whether public, private, agencies and persons. Bill – Protection of Vulnerable Older Persons and Adult Persons with Disability [Under public consultation]

4. LGBTQI Meets Old Age

The Maltese researcher, Cristian Vella, who works in the intersection of LGBTQ people's rights and ageing, calls our attention to the fact that even though Malta rates first in EU rankings made by ILGA Europe, "the voice of the older LGBTI community in Malta seems to be repeatedly forgotten" (Vella, 2020:37). In Vella's work entitled *Narratives of older lesbian and gay persons: exploring disparities within social and health care support in Malta*, the author points out as relevant results from the conduction of six interviews with older Maltese lesbian and gay adults that there was present a sense of uncertainty, an unconscious conflict between living the life of an older affirmative lesbian/gay person and an inherent need to conform with the social and cultural norms, in order to be adequately cared for. The author adds: "[i]n fact, it seems that the denial of true self comes with the fear of living old age in institutionalised care which is built around a heteronormative culture" (Vella, 2020:45).

Until the date of the publication of the new "National Strategic Policy for Active Ageing (NSPAA) 2023-2030" the reality of older Maltese LGBTQ people had been "flying over the radar" (Formosa, 2021) in Maltese law.

In a recent piece that Cristian Vella wrote for the newspaper *Times of Malta* one can read that:

In Malta, a vast array of community care, and services, is offered to promote the well-being of its older citizens and, despite pockets of initiatives and LGBTQI+ affirmative policies at national and grassroots level with the aim to raise visibility and awareness, the voice of the older LGBTQI+ community in Malta still seems to be missing. (...) Having, throughout their life, experienced a lack of understanding towards their lifestyle and in being different to the norm, the majority of older LGBTQI+ persons don't feel safe and confident with current healthcare provision and tend to rely mostly on their support network.

(*Times of Malta*, 2023)

Despite Malta's exemplary stance in progressive LGBTQI legislation and politics, its older LGBTQ population continues to face challenges. The next section will provide an overview of some key aspects identified to be of value regarding the rights of LGBTQI elders.

5. What's Missing?

Marvin Formosa (2022) points to housing and daycare as two lacunae in Maltese ageing policy. The archipelago is one of the EU Member States with the highest number of people living in state-run or NGO residences, many of whom are old. According to the TVM news website, in 2020, more than 4.500 elders were living in residential homes and 2.000 more were on waiting lists to be accepted in one (TVM News, 2020: n.p). Besides these difficulties, the gerontology expert and chairperson of the National Commission for Active Ageing in Malta, also notes that there is a scarcity of studies that examine the perspective and personal experiences of older individuals on the islands, anticipating that future research should delve into the firsthand experiences of ageing from the point of view of older persons. Formosa argues that such investigations have the potential to challenge prevailing generalisations, prejudices and stereotypes associated with old age, whilst highlighting the diverse nature of ageing identities, dispelling the misconception that older persons constitute a homogeneous category (Formosa, 2022).

By leaving the histories of older LGBTQI people “under the radar”, a vital part of history is untold. These stories are essential to our understanding of the resistance, courage, resilience and determination, as well as the scars of trauma and systemic marginalisation. This is precisely what the project TRACE sets out to accomplish. By embracing a biographic narrative life course approach, the project is designed to preserve the embodied memory and embodied knowledge of LGBTQI people over the age of 60.

TRACE's main objective is to produce an analysis of sexual and gender diversity through an age-sensitive lens over time. TRACE will gather LGBTQI+ life stories and contribute to the development of a rich record of queer history, at the same time as providing fundamental knowledge for informed decision-making in the field of ageing and anti-ageism politics and policies in Europe and beyond.

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aliquam. Maecenas quis eleifend ligula, ut congue dolor.

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