



Research Summary

PORTUGAL LGBTQI+ and Ageing in a Nutshell

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Index

Executive Summary	3
1. The Portuguese Context.....	3
2. LGBTQI+ People’s Rights.....	4
2.1 Timeline of LGBTQI+ Rights	9
3. Ageing	10
3.1 Timeline of Older People’s Rights (a selection).....	12
4. LGBTQI+ Ageing Meets Old Age.....	13
5. What Is Missing?	14
References.....	16

Executive Summary

This report provides an overview of the rights of lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) people in Portugal since 1974. It was developed as part of the [TRACE project – Tracing Queer Citizenship over Time](#): Ageing, ageism, and age-related LGBTQI+ politics in Europe, based at the [Centre for Social Studies](#), University of Coimbra, Portugal. The report summarises key issues such as criminalisation, legal and social repression, the process of decriminalisation, and the influence of the European Union alongside other efforts to modernise and democratise towards equality. By highlighting key milestones, including legal achievements, and providing a brief analysis of relevant statistical data, the report outlines the state of equality for LGBTQI+ individuals in Portugal. Furthermore, particular emphasis is placed on topics like age and ageing, with a focus on the experiences of older LGBTQI+ people. This focus is especially significant given the current prioritisation of ageing as a critical area within governmental policies, research frameworks, and the broader scope of this research project (Santos, 2023; Pieri et al., 2024).

1. The Portuguese Context

Portugal is located in the south-western part of Europe, on the Iberian Peninsula and shares a border with Spain. Since the Carnation Revolution in 1974, which ended the 48 years of the longest dictatorship in Southern Europe, Portugal has been a parliamentary democracy. It became a founding member of the North Atlantic Treaty Organization (NATO) in 1949 and joined the Organisation for Economic Co-operation and Development (OECD) in 1961. Portugal also became a member of the European Economic Community – now the European Union – in 1986. The country includes mainland Portugal and two autonomous regions: the archipelagos of Madeira and the Azores. Portugal has a resident population of approximately 10.6 million people, the highest in recent decades (FFMS, 2024), and is experiencing significant population ageing. Life expectancy in Portugal is 78.3 years for men and 83.6 years for women (INE, 2024). According to the Rainbow Map published by ILGA-Europe in 2024, Portugal ranks 9 among 49 European countries in terms of laws and policies impacting the lives of LGBTQI people, reflecting a strong commitment to equality (ILGA-Europe, 2024).

However, challenges persist, including violence based on sexual and gender diversity, as well as a lack of rights for non-binary and intersex individuals, particularly regarding the protection of sexual characteristics against discrimination.

These unresolved issues intersect with broader societal challenges, such as the increasing pressures on health and social care systems caused by an ageing population. The growing phenomenon of an ageing population, coupled with a lack of quality of life, is exerting significant pressure on health and

social care systems (Bárrios et al., 2020). Although the National Health Plan recognises the need for strategies to manage the ageing population, specific policies addressing the needs of older LGBTQ people remain limited (DGS, 2021). This group faces unique vulnerabilities, including loneliness and inadequate access to inclusive healthcare and social services that consider their sexual orientation and gender identity (Santos, 2023; Pieri et al. 2024).

2. LGBTQI+ People's Rights

Despite the notable progress in LGBTQI+ rights since the 2000s (Santos, 2013), a significant gap remains between formal rights and lived experiences (Saleiro, 2021). The dictatorial regime sustained itself on a moral conduct and strict social constraints which contributed to the slow progression of LGBTQI+ rights. Additionally, social attitudes have not kept pace with the legal advancements in recent decades.

Between 1926 and 1974, Portugal was under dictatorship, being governed by the *Estado Novo* regime from 1933 onwards. The *Estado Novo* imposed a conservative moral framework on schools, cultural policies, and laws, based on the motto "God, Homeland, and Family". Any deviation from norms during this time faced severe repression, with LGBTQI+ people enduring significant legal, social, and medical persecution. Homosexuality was criminalised under the Penal Code of 1852, which classified it as "indecency" ("atentado ao pudor") or "public outrage" ("ultraje público ao pudor"), and under the Decree Law No. 26643 of 1936 that monitored "socially dangerous" individuals. This category implicitly included homosexuals, enabling their persecution and imprisonment into detention facilities, psychiatric institutions or labour camps under the justification of protecting public morality and order. Although the law did not specify which behaviours fell under the definition of "indecency" or "public outrage", police acted in pursuit of behaviours they considered "immoral" (Correia, 2017; Cascais, 2016). In this regard, women suffered less public persecution due to the invisibility of lesbian sexuality – two women were not perceived as capable of having sex, making such acts unintelligible – and thus did not face public persecution based on sexual orientation in the same way as men did. Persecution of lesbians was instead linked to gender roles, particularly those who adopted masculine identities. An additional challenge for women was that they were generally expected to leave the parental house only to get married. Therefore, marriage often became a form of emancipation for lesbians, even though they were marrying individuals of the opposite sex (Afonso, 2019). During the dictatorship, there was no LGBT activism in Portugal or political support from the opposition. The concept of homosexual emancipation was politically unthinkable, and the Left showed no interest in the topic, since the focus was on establishing a welfare state, leaving little room for other social struggles. Homosexuality was often criticised as "bourgeois decadence", and homosexuals were labelled "class enemies" (Cascais, 2006).

LGBT activism began to take shape in Portugal after 1974, later than the well-established movements in the U.S.A. and Northern Europe. There were two first short-lived attempts to organise collectively: the Homosexual Revolutionary Action Movement [Movimento Homossexual em Acção Revolucionária (MHAR)], in May 1974, and the Collective of Revolutionary Homosexuals [Coletivo de Homossexuais Revolucionários (CHOR)], in 1980. MHAR stemmed from the Carnation Revolution, focusing on raising awareness about gay and lesbian rights and the decriminalisation of homosexuality. This group wrote the first Portuguese manifesto for sexual minorities entitled "Freedom for Sexual Minorities" ["Liberdade para as Minorias Sexuais"], published in the newspaper *Diário de Lisboa* on 13 May, 1974. The group demanded citizenship rights such as the abolition of the criminalisation of homosexuality, non-discrimination in future sex education at schools, and the possibility of participating in political movements. This manifesto prompted a public response on television from General Galvão de Melo, a member of the Junta de Salvação Nacional – the institution responsible for managing the government until the establishment of a civil government – who asserted that the revolution had not been made for prostitutes or homosexuals. Consequently, the group was dissolved (Cascais, 2006; Matias, 2024). The Collective of Revolutionary Homosexuals (CHOR) aimed to continue the work of MHAR. However, this group also faced difficulties due to limited social support and was dissolved two years later (Santos, 2003). Both groups laid important groundwork for later LGBTQI activism by challenging the prevailing social norms and initiating a public conversation about LGBT rights, as it was designated until the 2000s.

Although the criminal law had not been enforced for years, consensual sexual acts between same-sex adults were decriminalised only in 1982, eight years after the revolution that brought about democracy, following changes in the Penal Code (Santos, 2013). By that time, visible expressions of gay life were nearly non-existent due to the economic and social crises, which forced individuals to focus on everyday survival needs (Cascais, 2006). Portugal's accession to the European Union, in 1986, was a turning point, as left-wing parties began to create space for discussions on LGBT rights. Despite these advances, challenges persisted. During the HIV/AIDS epidemic in the 1980s and 1990s, LGBT people faced discrimination and stigma. The epidemic was often labelled as the "gay plague", and queer individuals were stigmatised and faced challenges in accessing healthcare and social acceptance.

During the 1990s, various LGBT rights groups emerged, providing crucial support and advocacy. In 1991, the Homosexual Working Group [Grupo de Trabalho Homossexual (GTH)] of the Revolutionary Socialist Party emerged. This activist group functioned to promote LGBT rights and combat discrimination, organising public actions and awareness campaigns until the early 2000s. LGBT-focused publications and cultural initiatives also began to emerge. In 1990, *Organa* was created as the first Portuguese lesbian magazine. This magazine provided a space for forming a lesbian community in Portugal for the first time (Brandão & Machado, 2015). Although *Organa* ended its activities in 1992, it was followed by *Lilás*, a quarterly lesbian magazine published until 2002. In addition to the publications, gatherings among readers were also organised. From 1995 onwards, several LGBT

associations emerged (ILGA, Opus Gay, Clube Safo, Portugalgay.pt), alongside other publications (e.g. *Korpus* magazine, the *Zona Livre* bulletin) and cultural events (e.g. Lesbian and Gay Movie Festival, later renamed Queer Movie Festival) that promoted visibility and social awareness.

Concerning legal developments, after the pivotal shift in 1982, no further significant legal advancements appeared until the early 2000s. In 2001, the De Facto Union Law was updated to include same-sex partners (Law no. 7/2001). In 2004, Portugal's Constitution was amended to prohibit discrimination based on sexual orientation in Article 13 (Principle of Equality), theoretically paving the way for comprehensive legal equality. However, in practice, discrimination persisted. For example, despite this constitutional safeguard, same-sex couples remained barred from marriage and adoption, indicating that the constitutional change had yet to translate into effective rights and protections. Two years later, in 2006, a brutal murder of a Brazilian trans woman, Gisberta Salce Júnior, in Porto brought national indignation. A migrant, homeless, HIV-positive, and seriously ill, Gisberta was repeatedly victim of physical abuse at the hands of a group of teenage boys, who eventually killed her. Gisberta's case shed light on the vulnerabilities which trans people face. The incident highlighted the gaps in both legal and social safeguards for transgender people and provided a new impetus for LGBTQ groups. The violence against Gisberta raised awareness for advancing trans rights, including the first LGBT March in Porto (the second largest city in Portugal) and the reformulation of the Penal Code, both in 2007. With Law No. 59/2007, the Portuguese Penal Code was revised to consider hate crimes motivated by sexual orientation as an aggravating factor. This included revisions to Article 132 (Qualified Homicide) and other relevant provisions, ensuring that crimes driven by homophobic motives would have more severe penalties. Nevertheless, the inclusion of gender identity in the Penal Code happened only in 2013 with Law No. 19/2013. Consequently, Article 132 of the Penal Code was amended to classify homicidal acts motivated by the victim's gender identity as qualified homicides, thus imposing severer penalties on perpetrators of transphobic violence.

In 2010, civil marriage was extended to all individuals regardless of gender, constituting a key milestone in marriage equality. In 2011, a gender identity law was enacted, simplifying the administrative process for legal gender recognition and name changes. Previously, individuals seeking to amend their legal documents were required to initiate court proceedings against the Portuguese state. While the 2011 law simplified the process by allowing changes based on the presentation of a medical diagnosis, this requirement was ethically problematic. By mandating medical reports to validate a person's gender identity, the law pathologised trans identities, denied individuals full self-determination, and imposed a lengthy procedure – issues that would ultimately lead to it being revised a few years later.

By 2016, parental rights were broadened to become almost universal: medically assisted reproduction techniques were made accessible to all women regardless of sexual orientation or marital status (Law No. 17/2016), and adoption rights were granted to same-sex couples (Law No. 2/2016). However, surrogacy remains restricted and is currently allowed only for women who are medically unable to carry a pregnancy (Law no. 25/2016).

In 2018, the legal recognition of gender self-determination was finally established, allowing trans people to change their legal name and affirm their gender without requiring medical diagnosis or procedures (Law No. 38/2018). The same law also aimed to protect the sex characteristics of all individuals, prohibiting medically unnecessary interventions on intersex infants. In addition, in 2023 the Portuguese Parliament established 31 March as National Trans Visibility Day.¹

However, subsequent public policies and measures necessary to ensure effective oversight and to protect intersex rights remained insufficient (Santos, 2024; ILGA-Europe, 2024).

The pictures below illustrate European countries' score on LGBTI+ rights legislation over a 10-year period (2014–2024).



Figure 1: ILGA-Europe Rainbow Map 2014. Source ILGA-Europe.

¹<https://observador.pt/2023/07/19/parlamento-aprova-iniciativa-para-consagrar-dia-nacional-da-visibilidade-trans/>

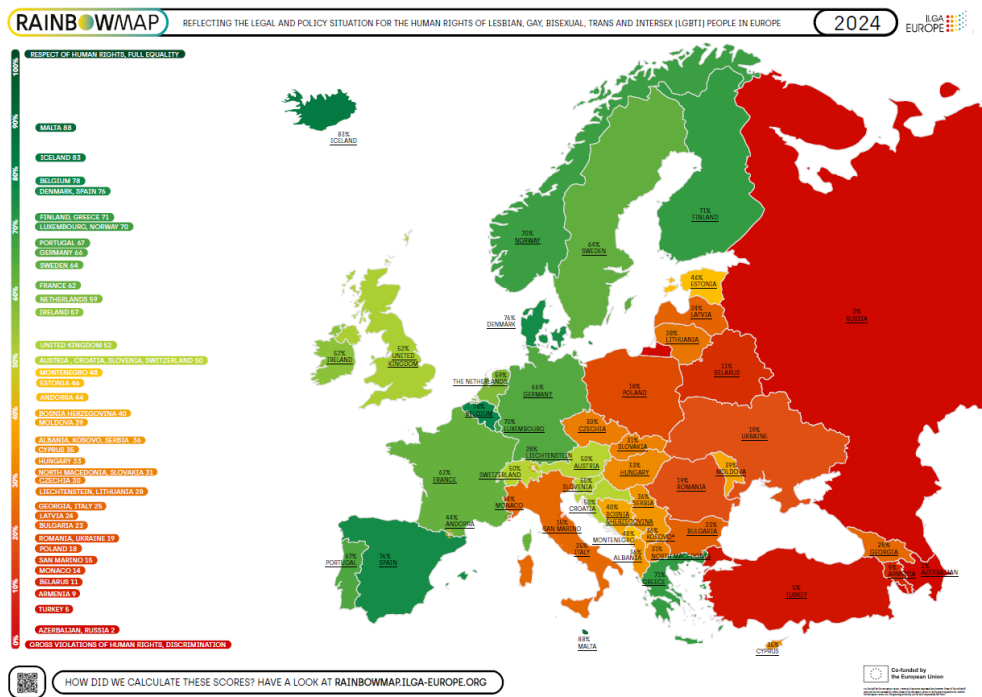


Figure 2: ILGA-Europe Rainbow Map 2024. Source ILGA-Europe.

2.1 Timeline of LGBTQI+ Rights

Date	Description
1982	Decriminalisation of homosexuality
2001	Extension of de facto unions to include same-sex couples
2004	Constitutional amendment prohibiting discrimination based on sexual orientation
2007	Penal Code reform to include hate crimes motivated by sexual orientation.
2010	Legalisation of same-sex marriage
2011	Gender identity law based on pathologising criteria
2016	Parental rights: Medically assisted reproduction techniques for all women, regardless of sexual orientation or marital status Adoption for same-sex couples
2018	Gender identity and of sex-characteristics law: Right to self-determination of gender identity and gender expression Protection of primary and secondary sex characteristics of all individuals
2024	Ban on conversion therapies

3. Ageing

Portugal is among the European Union countries with the highest proportions of older adults. As of 2023, it is one of the Member States with the largest percentage (24%) of individuals aged over 65, tied with Italy, ranking among those showing the greatest trend toward population ageing over the last decade (Eurostat, 2023). Although people in Portugal are living longer, this increased longevity does not translate into quality of life, as older populations are affected by vulnerabilities in social, economic (ISNA, 2022), and health-related aspects (Bárrios et al., 2020). The modern Portuguese welfare system was developed during the 1970s by the *Estado Novo* regime, but it underwent significant changes after the revolution, particularly with the establishment of a universal and free National Health Service (SNS). The SNS was created in 1979 under Law No. 56/79 and it was crucial in ensuring universal and equitable access to healthcare, reducing social inequalities, and promoting public health as a fundamental right for all citizens. However, with the rising percentage of older people, the Portuguese health and welfare system faces growing pressure to adapt to the needs of this population. Despite the implementation of the National Strategy for Active and Healthy Ageing 2017–2025 and the creation of the National Network of Integrated Continuous Care (RNCCI), the results have not fully met expectations, especially for the LGBTQI+ population. Recent studies show that LGBTQI+ individuals face discrimination in healthcare, aggravated by general lack of awareness by service providers themselves about sexual and gender diversities (Pieri & Brilhante, 2022; Maia et al., 2024).

Portugal has the fourth highest rate of people aged 65+ living alone in the European Union, and these individuals represent more than half of all people solo living (FFMS, 2024). This statistic is indicative of the loneliness older people may experience, and LGBTQI+ individuals are likely to be especially affected. Often, the closest intimate bonds for older LGBTQI+ people are formed through friends and/or partners, creating what is known as a “family of choice” (Weston, 1991), as families of origins may have neglected them. Recognising this reality is essential to ensure appropriate support, which in turn demands that healthcare professionals and caregivers receive specific training. Studies recommend that professionals working with older adults receive specific instruction on LGBTQI+ inclusion, covering mental health issues, particularly mental health, and the importance of recognising chosen families (Opus Gay, 2016; Pieri et al., 2024). Moreover, it is necessary to promote inclusive residential care facilities for older LGBTQI+ individuals and to ensure their participation in the development of public policies. These measures are essential to guarantee that older LGBTQI+ people can age with dignity, respect, and appropriate access to healthcare and welfare services.

The following images illustrate the proportion of the older population in Portugal and the progression of longevity in the last 20 years.

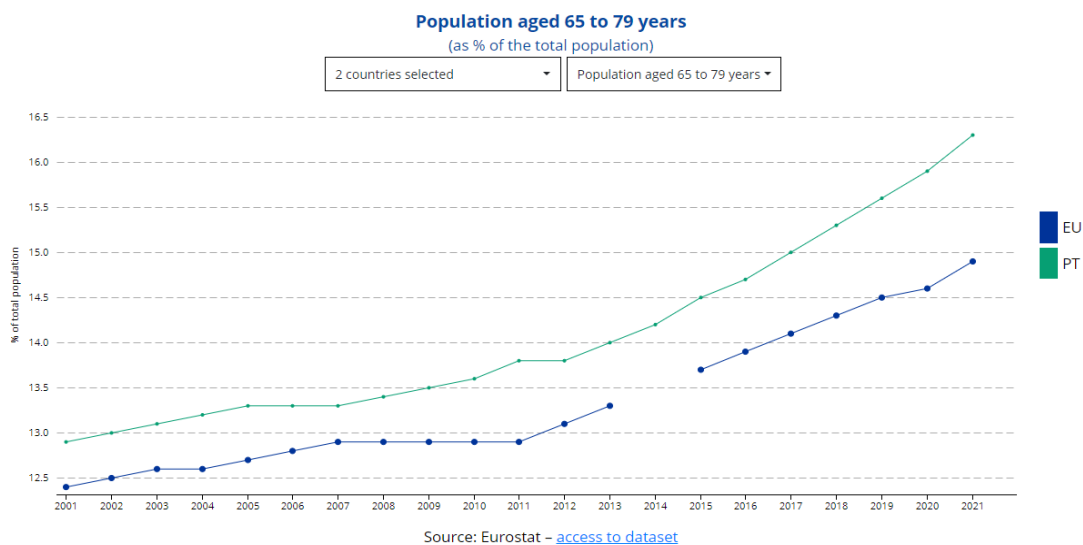


Figure 3: Population aged 65 to 79 from 2001 to 2021 in Portugal (green) compared to Europe (blue). Source: *Eurostat*. [Accessed 26-07-2024].

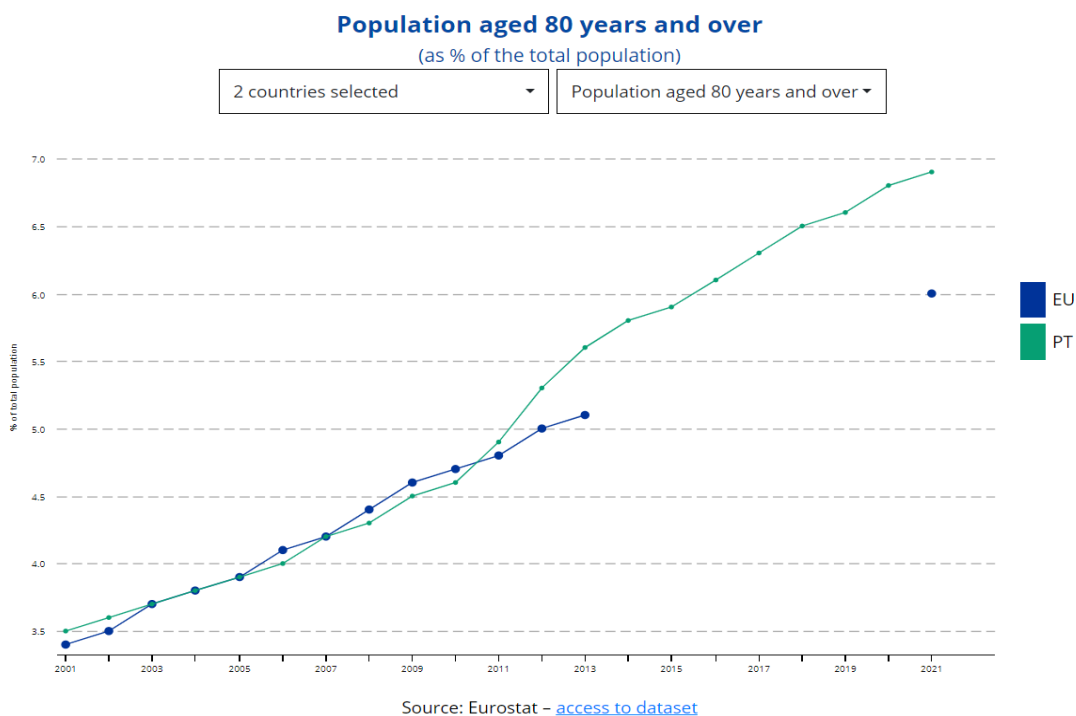


Figure 4: Population aged 80 and over from 2001 to 2021 in Portugal (green) compared to Europe (blue). Source: *Eurostat*. [Accessed 26-07-2024].

3.1 Timeline of Older People's Rights (a selection)

Date	Description
1976	Right to economic security, adequate housing, family and community environments (Article 72, Constitution of the Portuguese Republic)
1995	Aggravated criminal sentence if the act is committed against a person particularly defenceless due to age or illness (Article 158, Penal Code. Decree-Law No. 48/95, of March 15)
2004	Right to obtain maximum benefit in terms of choice, price, and quality of electronic communication services (Law No. 5/2004)
2005	Monthly monetary allowance for individuals aged over 65 with low income to enhance financial support (Decree-Law No. 126-A/2017)
2017	Establishment of the Independent Living Support Model in Portugal, granting individuals with disabilities the right to personal assistance for daily activities and mediation in various life contexts (Decree-Law No. 126-A/2017)
2005	Establishment of the Commission for the Development of Healthcare for Elderly People and People in Situations of Dependency to reorganise the healthcare system to respond the growing need for continuous and long-term care (Resolution of the Council of Ministers No. 84/2005)
2018	Rights for individuals facing advanced illness and end-of-life situations: avoid unnecessary suffering, receive comprehensive information about their health, participate in treatment plans. Additionally, it provides non-clinical rights such as creating an advance directive, appointing a healthcare proxy, deciding on the disposition of one's body after death,

and designating a family member or caregiver as a reference (Law No. 31/2018)

2019

Approval of the Informal Caregiver Statute. The law defines the rights, duties, and conditions for the recognition of informal caregivers and the available support, including measures for social protection, rest, and training (Law No. 100/2019)

2022

Establishment of administrative procedures and criteria for recognising the informal caregiver and the person being cared for, as well as the coordination with the relevant authorities (Regulatory Decree No. 1/2022)

4. LGBTQI+ Ageing Meets Old Age

The main issue at hand is that often sexual and gender diversity do not meet old age or ageing, as if they are biographical strangers (Santos, 2025, forthcoming). This refusal in attending to the needs and expectations of LGBTQI+ people in their life course, especially after becoming older adults, cannot be expected to be overcome without acknowledging its existence and understanding its socio-historical roots.

The culture of youth that became the dominant paradigm of desire in Western societies has pushed old age to the margins of the unwanted and undesired. Likewise, the dominant imaginary of LGBTQI+ bodies remains profoundly anchored on an expectation of youth and health, which is evidence of ageism as a pernicious form of unconscious bias.

The political and social focus on ageing has a cisgender and heteronormative underpinning that obliterates sexual and gender diversity in this segment of the population. As a result, the language used in health appointments (Pieri et al., 2024), everyday activities and campaigns designed to respect and protect old age remains profoundly dismissive of diversity, replicating the one-model-fits-all reminiscent of the pre-democratic imaginary around “the family” or “the couple” (Roseneil et al., 2020).

There is a consistent mismatch between expectations and the lived experience of older queers in Portugal. Aggravating factors include: the lack of training on sexual and gender diversity for students and professionals in the field of gerontology and geriatrics; the overbearing ageism often disguised under a shield of charitable deeds stemming from a strongly Judaeo-Christian tradition replacing the

social state but failing to acknowledge rights instead of goodwill; and the absence of queer activism targeting older sectors of the LGBTQI+ community (unlike what happens in other countries, including Spain and Greece).

Furthermore, under more conservative political environments, LGBTQI rights have occasionally faced opposition, reflecting a fragile balance between progress and backlash. Discrimination and social exclusion, especially among trans and intersex people, continue to illustrate the disparity between legal rights and the lived experiences of this population.

5. What Is Missing?

As argued by one of the authors elsewhere, ageing is increasingly at the centre of both local and international politics and policies. However, the attention on the intersection of ageing and sexual diversity has remained largely absent from research agendas in the Portuguese context (Santos, 2023). We argue for the need to address what has remained hidden, dismissed or unseen. More specifically, across all sectors of policymaking and training, there is the sheer absence of specificity when dealing with queer ageing. This leads to inappropriate and/or inefficient measures and events in areas as diverse as education and training of professionals, age-related policy, and LGBTQI+ activism.

Recognizing that homophobia and transphobia, amongst other prejudices, are increasingly politically and socially pervasive in the Portuguese context and beyond (Möser et al., 2022), older LGBTQI+ people continue to experience inequalities and other forms of violence later in life. This situation is amplified by the fact that stigma and discrimination in the workplace objectively affect material resources during retirement. This is a reason for additional concern, due to the general absence of informal care and support networks in daily life, lack of end-of-life plans and recognition of how ageing and ageism intersect with discrimination based on sexual orientation, gender identity, gender expression and sex characteristics.

Therefore, as previously mentioned (Santos, 2023), claims that life has improved for LGBTQI+ people do not always hold up to scrutiny nor do they match the lived experiences of individuals. Policymakers should note that despite social and political progress towards recognition, protection and valuing diversity and equality for LGBTQI+ citizens in Europe, the implementation of policy at national and local levels is uneven and lacks monitoring, consolidation and mainstreaming.

In addition, let us remind ourselves that discrimination is intersectional and cumulative, which historically puts LGBTQI+ people at an increased risk. The isolation of LGBTQI+ people over the age of 60 aggravates the dangers to which this heavily neglected population is exposed, in particular situations related to economic and emotional fragility, chronic illness and mental health, especially in cases in which ageing is associated with digital illiteracy and the absence of an adequate support and care

network. In parallel with ageing-related policies, it is necessary to invest in sociocultural change by promoting visibility and affirmative action in the sphere of sexual and gender diversity in old age.

To achieve the necessary changes, so much still needs to be done, including the creation of specific community/socializing safe spaces, and the training of professionals and students who will work in the fields of gerontology and geriatrics, amongst other professional sectors.

Moreover, non-binary and gender diverse people are still framed under the trans umbrella with no dedicated social policies or other political measures that would create comfort and safety across the whole spectrum of gender diversity.

The work in academia is far from over. Despite the centrality of epistemic and also empirically based contributions in the field of LGBTQI+ ageing, with dedicated courses, scientific conferences and professional associations, in the specific context of Portugal, very little has been achieved so far. We need more and better theoretical input and epistemological approaches that are intersectional and integrative along the life course of queer people.

Equally important to adequate policy measures and knowledge-production, we urgently need to establish a sustainable queer archive that will protect precious materials and memorabilia from getting lost. This queer archive must contain the life stories of those whose memories constitute the only tangible proof that queer lives existed and were lived out despite obstacles faced both during dictatorship and in times of democracy.

Finally, despite the immediate usefulness of instruments such as the Rainbow Map yearly produced by ILGA-Europe, amongst others, these may be misleading and encourage a hushed evaluation that replicates a linear imaginary of evolution instead of fostering a critical analysis of LGBTQI+ experiences on a daily basis (Ammaturo and Sloomaeckers, 2024). Therefore, we suggest it is crucial to look beyond the dominant understanding of the LGBTQI+ status in any given country based on the formal recognition of rights. In this summary report we use such tools as points of departure for more encompassing and engaging conversations stemming from the lived lives of older queers and their embodied experiences of ageing.

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