

Questionnaire: Identification of possible gaps in the protection of the human rights of older persons and how best to address them – Malta Replies

Contributing Entities: (i) Ministry for Active Ageing (MFAA), (ii) Ministry for Home Affairs, Security, Reforms and Equality (iii) Ministry for Social Policy and Children's Rights

Background

Ministry for Active Ageing (MFAA)

The Ministry for Active Ageing (MFAA) places paramount importance on the protection of human rights for older persons, reflecting a deep commitment to their well-being and dignity. In a testament to this dedication, a comprehensive national strategy has been established: National Strategic Policy for Active Ageing: Malta 2023-2030 (NSPAA). This strategy was meticulously designed to address various aspects related to the rights of older individuals. It not only underscores the significance we attribute to safeguarding the human rights of older persons but also serves as a tangible demonstration of the Ministry's ethos in prioritising the welfare of older persons.

- The imperative to address gaps in **equality** and **non-discrimination** for older persons was met through the implementation of the national strategy. This strategic framework not only recognised existing disparities but also took affirmative actions to safeguard the rights and wellbeing of older persons. Indeed, reflecting the paramount importance on fostering an inclusive and equitable environment the MFAA dedicated an entire Objective to address Diversity and Inequality (*Objective 3*) which, in turn, was categorised into different themes – namely, Ageism and age discrimination, Gender, Ethnicity, etc. A key aspect of this initiative involved a cross-reference mechanism, ensuring that the strategy was aligned with broader policies and frameworks, thereby creating a cohesive and interconnected approach to protect the dignity and rights of older persons across various facets of society.
- The strategy underscores the Ministry's commitment to ensure the protection and wellbeing for older people against **violence, neglect, and abuse**. Whereas on theme in Objective 3 of the NSPAA - "Abuse and mistreatment" - ensures that the Ministry, even although a dedicated convention on the human rights of older persons remains elusive, encourages that the legal profession and public prosecutors to tap and rely on the various human rights found principally in the *International Covenant on Civil and Political Rights* (United Nations, 1966) and the *Convention on the Rights of Persons with Disabilities* (United Nations, 2006).

Furthermore, this strategy ensures that older people are protected from any type of abuse ranging from financial to emotional abuse (Theme 1.2). This is also demonstrated by the comprehensive approach of the Regulatory Entity (SCSA) which licensing standards oversee that older persons within residential care are being safeguarded and protected. This dual-layered safeguarding mechanism affirms the dedication of the MFAA to combat and prevent violence, neglect, and abuse at both national and institutional levels. *Refer to Objective 3 for the Strategy and Standard 4 – Social Regulatory Standards - Residential Services for Senior Citizens*

- The national strategy not only acknowledges existing disparities but also proactively implement measures to safeguard the rights and wellbeing of older individuals in **long-term care and palliative care**. The strategy covers from ensuring a healthy diet agenda in meal preparation (Objective 2) and to making financial services (Theme 1.2) available within long-term facilities, whereas it gives importance to an increase in palliative care services within Community Care (Objective 2). Importantly, the strategy seamlessly integrated with the standards set by SCSA, the licensing entity for residential care, ensuring a holistic framework that extends across various levels of care provision, reinforcing the commitment to protect older persons. Indeed, the Ministry for Health launched a National Palliative Care Strategy for Malta (2023 – 2033), which strategy focuses on the need to increase the healthcare workforce in the field of palliative care, by providing more opportunities for specialization in this field and by creating multidisciplinary palliative care teams. The purpose of this strategy is to set the direction and guide change with respect to palliative care in Malta for the 10-year period 2023 – 2033. Furthermore, the Maltese regulator authority for older residential care, the Social Care Standards Authority, diligently enforces licenced service providers, to abide to the long-term and palliative care. Indeed, rigorous inspections, regular audits, and strict adherence checks are conducted to ensure licensed premises consistently meet the stipulated standards.
- MFAA recognise the importance of older persons **autonomy and independence**. The strategic initiative not only focused on preserving individual autonomy but also took proactive steps to integrate this principle into the broader framework of care and support. The strategy aimed to create a cohesive and interconnected approach, ensuring that the protection of autonomy and independence for older individuals becomes an integral part of the broader societal commitment to their well-being. Indeed Objective 2 – "Independent living" highlight the Ministry initiatives to ensure that older persons are empowered for independent living whilst promoting the rights of older persons. The Social Care Standards Authority, the Maltese regulator authority, ensures that licensed service providers encourage residents to maintain the highest possible level of independence whilst maximising the residents' capacity to exercise personal autonomy and choice according to the resident's mental capabilities.
- With regards to **protection and social security** of older persons, the strategy aimed to fill existing voids in ensuring their well-being. By integrating protection and social security measures within this national strategic policy for Active Ageing, a robust and interconnected approach was established. This not only fortified the human rights of older persons but also contributed to a broader societal commitment to safeguarding their dignity and security. *Refer to Objective 1.2 for the Strategy*. The Active Ageing and Community Care within the MFAA, plays a crucial role in enhancing the social security of older people by providing a support network and fostering a sense of community. Services such as community centers, senior clubs, and recreational programs offer opportunities for social engagement, reducing feelings of isolation and loneliness among older individuals. Volunteer programs that involve seniors in community activities contribute to a sense of purpose and accomplishment, promoting mental well-being. Additionally, transportation services, such as the Silver T, enables older persons to access various resources and social events, ensuring they remain active and connected. Overall, these community services create a robust framework that bolsters the social security of older people by addressing both their practical needs and emotional well-being.

- **Education, training, and lifelong learning** stand as cornerstones to foster growth and empowerment within the Maltese society. Recognizing their pivotal role in personal and societal development, the MFAA has intentionally incorporated these elements into the national strategy. This strategic initiative underscores our deep-seated belief that education is a lifelong journey, essential for individuals of all ages, including older persons. By integrating education and lifelong learning into the national strategy, MFAA not only acknowledges their enduring importance but also actively contribute to creating an inclusive and dynamic environment that promotes continuous learning and enrichment for all. This is reflected in Objective 01, Social Inclusion – **Third Age Learning**, where a number of initiatives were included, such as *Facilitate peer learning, Launch widespread promotional campaigns, etc.*
- Building upon the ministry commitment to holistic development, the **right to work and access to the labour market** has been accorded paramount importance. This dedication is not only reflected in our national strategy but is also a testament to our belief in the enduring significance of empowering individuals, including older persons, through meaningful employment opportunities. By emphasizing the right to work, we aim to create an inclusive and equitable society where access to the labour market becomes a fundamental element in promoting the wellbeing, dignity, and continued growth of every individual, regardless of age. *Refer to the Background Context within the Strategy*

The upcoming 2024 budget proposal introduces a noteworthy provision benefiting individuals who choose to extend their careers beyond the pension age. A significant highlight is the entitlement to an increase for those opting to continue working. This forward-thinking approach not only recognizes the valuable contributions of seniors in the workforce but also provides a financial incentive for their continued dedication. Such a measure not only aligns with the changing dynamics of retirement but also promotes inclusivity and acknowledges the ongoing skills and experience that older individuals bring to the workforce.

- **Justice** is a fundamental pillar of the ministry ethos. The Ministry is committed to creating an environment where older persons, has equitable access to legal recourse and a fair judicial system. This commitment is not only articulated in our national strategy but is actively implemented through initiatives that break down barriers, promote legal awareness, and guarantee that justice is accessible to all, fostering a society where the rights of every individual are upheld and protected. Theme 3.7 highlights the fact that access to justice is necessary to have a human rights-based approach, hence several measures with relative initiatives were set up.
- **Economic security** is a pivotal function in the wellbeing of older people. The ministry prioritizes initiatives that bolster economic security for all, including older persons. By addressing economic vulnerabilities and ensuring inclusive policies, we strive to create a resilient environment where individuals can confidently navigate their financial paths, fostering a society where economic security is a shared and attainable goal for everyone. *Refer to Objective 1.2 for the Strategy.*

The Social Security Act (Cap 318) of the Laws of Malta forms the basis of two robust pillars on which benefits are paid: Contributory and Non-Contributory Benefits. The retirement pension, widow's pension, injury pension and invalidity pension fall under the Contributory pillar, while the old age pension falls under the Non-Contributory pillar. Unemployed persons who are residents in Malta, over 60 years of age and do not qualify for a contributory retirement pension because they do not have the minimum number of contributions paid or credited, may be entitled to a Non-Contributory Age Pension if they satisfy the capital and income means test. The Maltese Social Security Act (Cap. 318) provides for a periodic review of the Maltese pension system. Such reviews are carried out every five years and their primary aim is to analyse the system's adequacy, sustainability and solidarity constituted by both good policy governance and decision making.

Social protection for older persons, specifically pensions have been increased annually since 2015 and will be increased once again in 2024. Moreover, further mechanisms aimed at improving the adequacy of pensions of future pensioners are being introduced. Specific tax exemptions for pensioners and an increase in the tax threshold will be implemented. Cost of Living Bonus Allowance (COLA) and increased COLA aim to mitigate the effects of inflation upon beneficiaries including pensioners. Bonuses for those persons who are not eligible for a contributory pension have also been increased. Other measures related to increasing the numbers of persons eligible for a contributory retirement pension are also in place and have been enhanced. Such measures would grant social security credits for specific events or actions of beneficiaries such as child rearing before or after entering the work force, full time studies etc. A number of these measures are aimed at women, as in the past they would leave the workplace once married and/or raising a family thus these types of measures aim at improving the gender pension gap. All the above measures are designed to improve pensionable income and a better quality of life for beneficiaries.

- Championing the **right to health and access to health services** is central to our organizational values. Enshrined in our national strategy, Objective 2 – Healthy Ageing, Theme 2.2 – **Access to health services** the ministry ensured to actively work to break down barriers that might impede individuals, including older persons, from accessing essential health services. By prioritizing the right to health, we contribute to building a society where every individual can enjoy a standard of physical and mental well-being, ensuring that quality healthcare is not just a privilege but a fundamental right accessible to all. A number of measures with respective initiatives were set up to ensure that Healthcare access for older persons are adequate both in terms of availability and affordable as general practitioner services are provided free of charge across the community clinics and health centres across both islands.
- MFAA is dedicated to creating a society where every individual, regardless of age, background, or circumstance, feels valued and included (**social inclusion**). Through proactive measures and community engagement, MFAA strive to break down barriers and foster an environment that promotes social cohesion. By prioritizing social inclusion, we contribute to a more compassionate and harmonious society that recognizes and celebrates the unique contributions of each member. A number of measures and initiatives were set up within Objective 1 of the same National Strategic Policy, where the weight of such an important objective was split onto different measures which go from Solitude, Loneliness and Social Isolation to Civic Engagement, Active Ageing Hubs, etc.
- The Ministry actively advocate for and invest in initiatives that enhance **physical accessibility, strengthen infrastructure, and create supportive living environments**. By addressing these aspects comprehensively, the Ministry aims to build a society where older persons, can navigate their surroundings with ease, access essential services, and thrive in habitats that prioritize inclusivity and wellbeing.

The development of the new strategy for age-friendly communities was intricately woven into the foundation of the former strategy. Indeed, the new strategy builds upon the strengths identified in prior approaches. MFAA acknowledges that age-friendly communities are paramount in fostering inclusive environments that cater to the diverse needs of residents across all age groups. These communities prioritize accessibility, ensuring that older individuals can navigate public spaces comfortably and safely. Social engagement is promoted through community programs and infrastructure that encourage interaction and reduce isolation among seniors. Additionally, age-friendly initiatives contribute to health and well-being by supporting active lifestyles and providing services tailored to the needs of older residents. By recognizing and addressing the unique challenges faced by an aging population, age-friendly communities not only enhance the quality of life for seniors but also contribute to the overall vibrancy and cohesion of the community as a whole.

- Fostering active **participation in public life and decision-making processes** is integral to the Ministry's organizational values. Enshrined in our national strategy, the MFAA champions initiatives that empower individuals, including older persons, to engage meaningfully in societal affairs. By promoting inclusivity in decision-making, the Ministry strives to build a democratic and responsive environment where diverse voices contribute to shaping policies and actions. The Ministry's commitment ensures that participation is not just a right but a vibrant aspect of a society that values the input of every individual, regardless of age or background.

National Commission for the Promotion of Equality (NCPE):

- The National Commission for the Promotion of Equality (NCPE) is empowered to investigate complaints on the ground of age as per its remit. Moreover, the NCPE raises awareness on equality, including on the ground of age, particularly to mark the International Day for Older Persons and from time to time posts messages to raise awareness on older women and men on its social media platforms as well as on traditional media.
- Furthermore, the NCPE deems that ageism is to be prevented and addressed for the benefit of society. The NCPE also advocates for more opportunities in the labour market for women and men since the older generation is enjoying healthier lifestyles. In addition, gender mainstreaming should be integrated in the measures developed and implemented in this field in order to ensure equal opportunities and resources for both women and men particularly from an intersectional perspective.

1. **Please state how your Government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically with regard to older persons. (500 words)**

The Ministry for Active Ageing engages with various international and regional human rights mechanisms such as the United Nations, the United Nations Economic Commission for Europe and the World Health Organisation. Most specific, Malta has taken part in each of the Madrid International Plan of Action on Ageing's Five-Year periodic review. In its last review for the period 2017 – 2022, one finds the following achievements (i) improvements in social participation opportunities for older persons, including the increase in lifelong learning sessions for persons who would generally not be motivated to participate. This includes the lifelong learning sessions in Active Ageing Centres and in residential homes, increase in the number of centres of the University for the Third Age, and the introduction of a University of the Fourth Age; (ii) improvements in independent living through the introduction on new services and the improvement of existent services which support older adults to continue living in the community with the necessary support; (iii) improvements in addressing the psychosocial needs of older adults: including the introduction of the psychologist in the community and in residential homes and group discussion sessions with the psychologist; (iv) increased awareness and training opportunities on digital literacy amongst older persons; (v) improvement in community mobility by means of the introduction of the Silver T service, which is a free transport service for older adults to enable them to run errands within the community they live in; and (vi), Increased opportunities and incentives for training the national workforce in gerontology, geriatrics and dementia care competencies. Whilst considerable work was done to implement the recommendation of the Madrid International Plan of Action on Ageing, the Ministry in the coming years will continue to address: (i) issues of ageism and age discrimination, whilst expanding the legal definition of age to address both direct and indirect forms of discrimination; (ii) the specific concerns of older LGBTQ+, and the implications of their sexual identities on compromised citizenship in later life, as well as in the delivery of health care services; and (iii), the recognition and awareness of elder abuse while also developing and implementing a nationwide strategy that empowers the public and older adults themselves to report abuse, and provide the necessary procedures and resources for a comprehensive response.

2. **Have those engagement resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate. (500 words)**

Yes, such engagements have resulted in positive impact in strengthening the protection of the human rights of older persons. Ageism is being given greater importance in the *National Strategic Policy for Active Ageing*. The policy highlights the importance of intergenerational programmes; adequate education about ageing in schools from primary spanning to tertiary education that involve practical interaction with older adults; and education of professionals and workers on myths related to ageing in order to decrease ageism amongst occupational services. Malta's government has appointed an independent Commissioner for Older Persons. The role of the Commissioner is to create more awareness on the rights of older persons, to push for stricter legal measure against age discrimination and to raise awareness about loneliness and social isolation in later life. The Commissioner can also investigate any alleged breaches of the rights of older persons and initiate measures which safeguard their rights. The Ministry for Active Ageing also appoints a National Commission on Active Ageing tasked with drafting strategies and policies that improve the quality of life and wellbeing of older persons. Malta is working towards improving its action on elder abuse. Discussions between different entities have started so as to address issues of elder abuse, in order to ensure that victims of abuse are given the maximum

support and protection, while ensuring a more timely, efficient and person-centred response. These discussions include several entities including the Victim Support Agency, the Active Ageing and Community Care, GEMMA (an organisation working on Financial capacity), and the police. It is anticipated that such collaboration will eventually lead to legislative amendment where required, and better protection for older adults.

3. What other options can be considered to strengthen the protection of older persons? Please elaborate. (500 words)

This issue has been given greater importance in the last 20 years. The fact that the Maltese government has issued a National Strategic Policy for Active Ageing, a National Strategy for Dementia, National Minimum Standards for Care Homes for Older People; Guidelines for High Dependency Chronic Care Services for Older Persons; Guidelines on Residential Services for Persons Living with Dementia in Homes for Senior Citizens; and Guidelines on Community-based and Outreach Services shows real and tangible commitment on behalf of the Ministry to address the issues concerning the human rights of older adults. Moreover, a Social Care Standards Authority has been set up to ensure good quality care in care homes. At the same time, several initiatives have been implemented to promote participation of older persons and to encourage empowerment of senior members. Amongst such initiatives there are: increased opportunities for lifelong learning in the third and fourth age; increased the number of Active Ageing Centres and enriched the programmed of activities; increased opportunities for physical activities through sessions delivered free of charge; enabled opportunities for improving competency and security in IT; enhanced opportunities to engage in cultural programmes and events, as well as participate in projects in collaboration with other entities; intergenerational programmes showcasing the abilities of older persons; and the creation of the National Awards for Active Older Persons.

A learning programme titled 'Vulnerabilities in Older Adults' is being delivered to personnel who visit the homes of older persons on a regular basis. This course helps them to identify issues such as abuse and neglect among older adults and to refer them accordingly. The Active Ageing and Community Care (AACD) is also sponsoring a training on dementia care with the Malta College of Arts, Science and Technology. AACD, in collaboration with the University of Malta, is currently providing a course to staff in residential homes titled "Understanding diversity for positive communication amongst different cultures". This study-unit gives students a better understanding of diversity within residential care homes for older adults focusing on:

- Different ethnicities – race, religious beliefs, and migrant background;
- Sexual identity and sexual orientation - Sexism, sexual abuse, and violence towards the LGBTIQ+ community;
- Social identity - how the above can affect a person's well-being when interacting with one another;
- Intersectionality – with attention to how the above may impact the individual's wellbeing when interacting with one another.

4. If applicable, what is your assessment on the protection of the human rights of older persons according to regional and international instruments? (500 words)

Not applicable