

Malta

Malta is a small, densely-populated island nation of 450,000 inhabitants, located in the Mediterranean Sea, south of Sicily. It is a parliamentary republic and member state of the European Union. Despite opposition from the Catholic Church, which remains hugely influential, Malta has seen significant progressive reforms in recent years including the introduction of divorce and same-sex civil unions, and the abolition of the country's "blasphemy" law.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>There is systematic religious privilege</u> <u>Preferential treatment is given to a religion or religion in general</u> <u>There is an established church or state religion</u> <u>State-funding of religious institutions or salaries, or discriminatory tax exemptions</u>	<u>There is state funding of at least some religious schools</u> <u>Religious schools have powers to discriminate in admissions or employment</u>	<u>Discriminatory prominence is given to religious bodies, traditions or leaders</u> <u>Religious groups control some public or social services</u>	
<u>Official symbolic deference to religion</u>			<u>Concerns that secular or religious authorities interfere in specifically religious freedoms</u>

Legend

Constitution and government

Freedom of conscience, religion, and expression are protected in law (Articles 40 and 41, Constitution of Malta). However, in practice, strong preference is afforded to the Roman Catholic Church, and Catholicism remains the official state religion of Malta (Article 2).

Education and children's rights

The constitution prescribes religious teaching of the Catholic faith as compulsory education in all State schools:

Article 2:

(1) The religion of Malta is the Roman Catholic Apostolic Religion.

(2) The authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong.

(3) Religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education.

However, this last point, Article 2 paragraph 3, is restricted by Article 40 of the Constitution, which

provides exceptions:

Article 40:

[...] (2) No person shall be required to receive instruction in religion or to show knowledge or proficiency in religion if, in the case of a person who has not attained the age of sixteen years, objection to such requirement is made by the person who according to law has authority over him and, in any other case, if the person so required objects thereto: Provided that no such requirement shall be held to be inconsistent with or in contravention of this article to the extent that the knowledge of, or the proficiency or instruction in, religion is required for the teaching of such religion, or for admission to the priesthood or to a religious order, or for other religious purposes, and except so far as that requirement is shown not to be reasonably justifiable in a democratic society. [...]

About 30% of primary and secondary students in Malta attend private schools, which are predominantly run by the Catholic Church and funded to a large degree by the state.

Following the 1993 concordat between the Vatican and Malta, the state is responsible for all salaries of teaching staff in Catholic schools (with minor contributions from the church), while the church is responsible for the maintenance of the school buildings.

vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19930218_santa-sede-rep-malta-scuole_en.html

Regarding State schools, Mary Darmanin (in *Religious Education in a Multicultural Europe: Children, Parents and Schools*, Palgrave Macmillan, 2013) notes: “Although not obliged to be denominational by the Education Act, State schools in Malta function as de facto Catholic schools in terms of their school ethos and formal RE [religious education] curriculum.” Crucifixes are displayed in classrooms of both Catholic and State schools.

In 2014, schools began to introduce Ethics as a new (non-religious) subject to provide an alternative for those students who opt-out of Religious Studies. The Malta Humanist Association was consulted for drawing up a syllabus for this new subject.)

independent.com.mt/articles/2014-01-24/news/ethics-to-be-offered-in-government-schools-instead-of-religion-as-from-september-3770875906/

Family, community and society

Religious oaths

In courts, the default convention is for oaths to be taken on a crucifix. Although a secular oath may be requested, non-religious defendants and witnesses are likely to abstain from this option, for fear of a negative bias in the proceedings. The same is true for the default oath of service for elected parliamentarians that ends with “so help me God”, which is expected to be accompanied by kissing a crucifix.

Freedom of expression, advocacy of humanist values

“Blasphemy” law

In 2016 the law on “vilification” of religion, which had criminalized speech on a broad swathe of topics and was frequently used, was finally abolished.

Introducing the bill for abolition in 2016, justice minister Owen Bonnici had said that: "In a democratic country, people should be free to make fun of religions, while not inciting hatred." Parliament approved the bill at its third and final reading in plenary on 12 July 2016.

The "vilification of religion" law (Article 163 of the penal code) had not been dead letter at the time of its abolition. It had been invoked actively.

<independent.com.mt/articles/2012-12-02/news/malta-among-dwindling-number-of-eu-states-still-with-blasphemy-laws-470450177/>

In 2009, for example, a man received a suspended jail sentence for dressing up as Jesus for carnival and there were 99 convictions for "blasphemy" recorded between January 2012 and September 2012.

<maltatoday.com.mt/news/court_and_police/26215/99-convicted-for-public-blasphemy-in-2012-20130420>

Malta's criminal code had contained a bill (133) on "crimes against the religious sentiment", which avoided the word "blasphemy", but in effect described actions in broad terms that encompass blasphemy:

"Article 163: Whosoever by words, gestures, written matter, whether printed or not, or pictures or by some other visible means, publicly vilifies the Roman Catholic Apostolic Religion which is the religion of Malta, or gives offence to the Roman Catholic Apostolic Religion by vilifying those who profess such religion or its ministers, or anything which forms the object of, or is consecrated to, or is necessarily destined for Roman Catholic worship, shall, on conviction, be liable to imprisonment for a term from one to six months.

Article 164: Whosoever commits any of the acts referred to in the last preceding article against any cult tolerated by law, shall, on conviction, be liable to imprisonment for a term from one to three months."

There was a mixed response to the abolition in Malta. The Malta Humanist Association had campaigned for the reform on the basis of free expression and equality and of course welcomed the abolition, while Archbishop Charles Scicluna tweeted: "A sad day for Malta. Lord forgive them: they do not know what they do."

<end-blasphemy-laws.org/2016/07/malta-abolishes-blasphemy-law/>