|  |  |
| --- | --- |
| **Submission to the UN Special Rapporteur****on Respecting, Protecting and Fulfilling the Right to Freedom of Thought**The Malta Humanist Association**ㅡ**+356 79 373 986info@maltahumanist.orgfb.com/MaltaHumanistAssociation*“Abortion, assisted suicide, and euthanasia remain illegal in all circumstances.”*“*The authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong.”**“ . . .every person in Malta is entitled to. . .freedom of conscience. . .”**“Roman Catholic Church schools. . .are not obliged to provide any sex education.”**“teenage pregnancy rates. . .are the highest in Southern Europe; Maltese teenagers are some of least likely to use contraceptives; and Malta has the highest syphilis rate in Europe.”**The state intervenes in favour of religious privilege, influence and symbolism.**“political party media ownership. . .denial of access to information or press events, toxic rhetoric by government officials. . .unlawful detention of press members. . .”**“social media in Malta. . .rife with offensive comments about the migrant community”* | horizontal line7 JUNE 2021I IntroductionIt is difficult to clearly separate Freedom of Thought from the freedoms, such as of belief and expression, which stem from thought; we are anyway not aware of any direct pressures in Malta to police or reveal thoughts, for example by forced access to private diaries. Nevertheless, it seems clear to us that there are outside influences which could impact on some peoples’ internal thought processes, and discourage or encourage certain thoughts, beliefs, and expression thereof. It is such influences on freedom of thought in Malta which we will address. Clearly, not all the population submit to such influences, but we believe that, in their absence, many more would feel free to question prevailing opinions and formulate rational, objective and dogma-free thoughts.II Maltese Religious And Societal Culture* the vast majority of the approximately 500,000 population are at least nominally Roman Catholic[[1]](#footnote-1). In a 2021 survey 93.5% said they believe in god, 3% said they did not, and 3.5% did not know. 8% of 16-25-year olds said they do not believe in god. Almost 60% said religion is very important in their lives, but for 10% it is not[[2]](#footnote-2);
* non-Catholics in Malta include other Christian denominations, Muslims, Jews, Hindus, and those of no religion, some of whom are Humanist[[3]](#footnote-3);
* Malta was the last European country, excluding the Vatican, to introduce divorce (2011). Abortion, assisted suicide, and euthanasia remain illegal in all circumstances (although euthanasia is increasingly supported[[4]](#footnote-4), and decriminalisation of abortion is under debate);
* Article 2 of the Constitution states:*(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 RC Apostolic Faith shall be provided in all State schools as part of compulsory education\*.*
* a Legal Notice on the regulations of the Malta Medical Council requires ‘catholic members’ (not qualified further in the notice) of the profession to abide by the tenets of the Roman Catholic Apostolic Religion[[5]](#footnote-5) (rather than, it seems, internationally accepted standards of medical practice);
* according to a European Commission survey 2019, 37% of residents believed discrimination based on religion or belief was widespread in Malta (albeit compared with 45% in the previous survey in 2015)[[6]](#footnote-6);
* according to a recent survey, the majority of Maltese do not feel comfortable mixing cultures[[7]](#footnote-7).

III Acknowledgements of Secularism And Freedom of Belief* \*Article 40 (2) of the Constitution provides exceptions to Article 2 (3):*No person shall be required to receive instruction in a religion or to show knowledge or proficiency if, in the case of a person who has not attained the age of 16 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 . . .*
* Article 32 of the Constitution states:*Whereas every person in Malta is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely – (a) life, liberty, security of the person, the enjoyment of property and the protection of the law; (b) freedom of conscience, of expression and of peaceful assembly and association; and (c) respect for his private and family life, the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms, subject to such limitations of that protection as are contained in those provisions being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.*
* in January 2020 Prime Minister Robert Abela said: *“Malta is a secular state, but the constitution also affords a strong, fundamental freedom that everyone is entitled to his religion of choice”;* but he has not explained how that is consistent with Article 2 of the Constitution, cited above.
* Malta was the first EU country to ban gay conversion therapy, in 2016.

IV Schools* Roman Catholic church schools are largely funded by the state[[8]](#footnote-8). Under a 1993 Concordat with the Vatican[[9]](#footnote-9), they are not obliged to provide any sex education. And the Roman Catholic Church is currently funding an educator to promote an anti-abortion agenda[[10]](#footnote-10);
* Roman Catholic Church schools may discriminate against otherwise qualified teachers, and refuse to enrol pupils, if they are not Roman Catholic, although this will change if forthcoming legislation is passed as proposed[[11]](#footnote-11);
* state schools are dominated by the prevailing Roman Catholic religion[[12]](#footnote-12), including with prayers, hymns in assembly, and regular masses;
* sex education, even in state schools, is patchy and often filtered through teachers’ religious positions[[13]](#footnote-13)***.*** Quite possibly as a result, teenage pregnancy rates in Malta are the highest in Southern Europe[[14]](#footnote-14); Maltese teenagers are some of least likely to use contraceptives[[15]](#footnote-15); and Malta has the highest syphilis rate in Europe[[16]](#footnote-16).

V Religious Privilege And Discrimination*See state funding of Roman Catholic church schools, above.* Other examples:* the government recently proposed to fund a way of the cross, financing and promoting religious manifestation[[17]](#footnote-17);
* in 2020, Prime Minister Robert Abela intervened to reinstate a large cross which had been removed following a Planning Authority enforcement order[[18]](#footnote-18);
* the Maltese government recently co-sponsored a draft resolution to give the Vatican a more active role in UN health (including reproductive and sexual rights) issues[[19]](#footnote-19);
* in 2019, Health Minister Chris Fearne ordered the withdrawal of a circular requiring the removal of religious items and images (though not crucifixes) from Mater Dei hospital (the main state hospital in Malta)[[20]](#footnote-20);
* blasphemy laws were repealed in 2016, but the government still appears to attempt to stifle criticism of the Roman Catholic church (for example censorship of a carnival float referring to clerical sex abuse at the St Joseph Institute, February 2020)[[21]](#footnote-21);
* there are state-sanctioned crucifixes in every hospital room, classroom and public building;
* a prayer is recited at the start of every parliamentary sitting[[22]](#footnote-22);
* when taking oaths or giving testimony, anecdotal evidence suggests the assumption is (and social pressure expects) that one is is Roman Catholic;
* the emblem of the Maltese police force is “Domine Dirige Nos” (Lord, Guide Us), apparently excluding non believers;
* in state institutions such as prisons and hospitals, the only available pastoral care is religious;
* civil weddings, including gay weddings, are legal but, unlike Roman Catholic weddings, Humanist weddings require a registrar;
* main roads are routinely closed for village feasts (Roman Catholic religious festivals);
* the archbishop of Malta, along with only the President and the Prime Minister, are exempt from number plates on their vehicles.

VI Political And Other Influences On Freedom of Thought* in a highly polarised political climate, the two main political parties rely on ‘tribal’ fidelity[[23]](#footnote-23) (see also WPFI, below);
* for example, the Broadcasting Authority issued a directive in August 2020 to the Public Broadcasting Service not to broadcast questions from journalists at a Covid-19 press conference[[24]](#footnote-24);
* in 2021, Malta was 81st in the World Press Freedom Index (WPFI), down from 45 in 2013. Amongst other things, WPFI cited the use of defamation lawsuits targeting journalists, and political party media ownership***[[25]](#footnote-25).*** In 2020, WPFI also referenced *‘documented instances of denial of access to information or press events, toxic rhetoric by government officials, failure to recognise non-State issued press cards, as well as unlawful detention of press members (including international press) following a press conference in late 2019’’*[[26]](#footnote-26);
* Malta has a poor record in enforcing hate speech laws. For example, we can find no record of action taken against a group distributing pork sandwiches in 2016 near a site used for Muslim prayers, claiming “other religions should not be allowed to hold such public demonstrations”[[27]](#footnote-27). And in a report May 2018, the Council of Europe noted that social media in Malta was rife with offensive comments about the migrant community, and lacked systematic data collection on incidents of racist hate crime[[28]](#footnote-28).

VII Promotion of freedom of thought* in the past few years, Malta has seen a rapid increase in civil activism by organisations such as Graffitti, Repubblika, and Young Progressive Beings***[[29]](#footnote-29).*** Since its foundation in 2010, the MHA has been a voice on such issues as divorce, ethics and sex education, the right to die, discrimination, secularism and abortion.

VIII Any recommendations on good practices to promote and protect freedom of thought* there has been a limited, but growing, introduction of ethics education in Malta, promoting the teaching of objective, unbiased, information[[30]](#footnote-30), which has been a significant step in the right direction.
 |

1. in a 2018 survey by the newspaper Malta Today only 3.9% of respondents identified as ‘atheist’. In the same survey, 12.4% of respondents identified as ‘non-practising Catholics’

### [https://www.maltatoday.com.mt/news/national/105658/whats-in-the-equality#.YK5RtqgzbIU](https://www.maltatoday.com.mt/news/national/105658/whats-in-the-equality%22%20%5Cl%20%22.YK5RtqgzbIU)

 [↑](#footnote-ref-1)
2. <https://www.independent.com.mt/articles/2021-06-04/local-news/Live-State-of-the-Nation-60-say-they-are-happy-with-their-lives-6736234056> [↑](#footnote-ref-2)
3. <https://livingtogether.mt/religions-in-malta/>

 [↑](#footnote-ref-3)
4. ### <https://thejournal.mt/first-ever-majority-for-euthanasia-in-malta/>

 [↑](#footnote-ref-4)
5. <https://deputyprimeminister.gov.mt/en/regcounc/medicalcouncil/Documents/ethicsandregulations2012.pdf> [see page 15] [↑](#footnote-ref-5)
6. <https://www.state.gov/wp-content/uploads/2020/06/MALTA-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> [↑](#footnote-ref-6)
7. <https://www.independent.com.mt/articles/2021-06-04/local-news/Live-State-of-the-Nation-60-say-they-are-happy-with-their-lives-6736234056> [↑](#footnote-ref-7)
8. we are also aware of one Muslim school which has received financial help from the government <https://timesofmalta.com/articles/view/muslim-secondary-school-to-shut-down-after-20-years.639202> [↑](#footnote-ref-8)
9. <https://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19930218_santa-sede-rep-malta-scuole_en.html> [↑](#footnote-ref-9)
10. <https://www.maltatoday.com.mt/news/national/109299/church_funds_prolife_lobbys_evangelist_for_catholic_schools#.YK5Z8agzbIU> [↑](#footnote-ref-10)
11. <https://www.maltatoday.com.mt/news/national/105658/whats-in-the-equality#.YK5RtqgzbIU> [↑](#footnote-ref-11)
12. <https://www.islesoftheleft.org/muslim-students-in-maltese-schools-outsiders-looking-in/> [↑](#footnote-ref-12)
13. <https://thirdeyemalta.com/is-sex-education-even-a-thing-in-malta-betapsi/>

### <https://fyeg.org/news/church-and-sexual-education-schools><https://timesofmalta.com/articles/view/breaking-the-cycle-anna-marie-galea.836624>

 [↑](#footnote-ref-13)
14. <https://www.doctorsforchoice.mt/post/malta-has-the-highest-teen-birth-rate-in-southern-europe#:~:text=Statistics%20from%20Eurostat%20show%20that,the%20EU%20as%20a%20whole> [↑](#footnote-ref-14)
15. <https://www.maltatoday.com.mt/lifestyle/health/102546/maltese_teens_shun_protection_despite_sexed_who_study_finds#.YK-vBagzbIU> [↑](#footnote-ref-15)
16. <https://www.maltatoday.com.mt/lifestyle/health/108296/mgrm_flags_increase_in_syphilis_cases_malta_has_highest_rate_in_europe#.YK-uk6gzbIU> [↑](#footnote-ref-16)
17. <https://www.maltatoday.com.mt/environment/townscapes/108758/ian_borg_ministry_wants_mgarr_road_to_get_its_via_sagra#.YK_Ce6gzbIU>

 [↑](#footnote-ref-17)
18. ### <https://timesofmalta.com/articles/view/order-to-remove-mellieha-crucifix-reversed-following-complaints-by.812898><https://www.independent.com.mt/articles/2020-08-19/local-news/Mellieha-s-symbolic-cross-removed-following-complaint-6736226238>

 [↑](#footnote-ref-18)
19. <https://www.maltatoday.com.mt/news/national/109816/vatican-critics#.YK5NcKgzbIU> [↑](#footnote-ref-19)
20. <https://www.maltatoday.com.mt/news/national/94248/totems_of_identity_why_the_maltese_love_their_crosses#.YLYkP6gzbIU> [↑](#footnote-ref-20)
21. <https://www.maltatoday.com.mt/news/national/100145/from_li_tkisser_sewwi#.YK5FCagzbIU> [↑](#footnote-ref-21)
22. <https://www.parlament.mt/en/menues/about-parliament/how-parliament-works/parliament-practice/>

 [↑](#footnote-ref-22)
23. ### <https://www.independent.com.mt/articles/2020-08-05/newspaper-opinions/Tribal-allegiance-6736225809>

### <https://www.independent.com.mt/articles/2021-05-22/local-news/We-need-to-see-the-end-of-political-tribalism-Claudio-Grech-6736233702>

 [↑](#footnote-ref-23)
24. <https://www.independent.com.mt/articles/2020-08-20/newspaper-leader/TMID-Editorial-Broadcasting-Authority-Censorship-and-totalitarianism-6736226267>

 [↑](#footnote-ref-24)
25. ### <https://theshiftnews.com/2021/04/20/no-improvement-for-malta-in-2021-rsf-world-press-freedom-index/#:~:text=Malta%20has%20retained%20its%20lowest,Kong%20and%20above%20El%20Salvador><https://www.euronews.com/2021/01/25/landmark-legal-challenge-seeks-to-stop-malta-s-political-parties-owning-tv-stations>

 [↑](#footnote-ref-25)
26. <https://timesofmalta.com/articles/view/malta-slips-four-places-in-press-freedom-index.787007> [↑](#footnote-ref-26)
27. <https://timesofmalta.com/articles/view/patriots-distribute-pork-sandwiches-during-protest-against-praying.599139>] [↑](#footnote-ref-27)
28. <https://timesofmalta.com/articles/view/online-hate-speech-growing-fast-but-many-maltese-dont-know-they-are.688077>
https://www.independent.com.mt/articles/2021-03-23/local-news/How-can-we-counter-online-hate-speech-It-still-remains-on-the-rise-despite-resistance-6736231983 [↑](#footnote-ref-28)
29. <https://timesofmalta.com/articles/view/malta-needs-more-protests-and-activism-in-2020-academics.760332>

 [↑](#footnote-ref-29)
30. ### <https://www.independent.com.mt/articles/2016-06-05/newspaper-opinions/Teaching-Ethicsin-our-schools-6736158895>

### <https://movimentgraffitti.org/en/home.html>

### <https://repubblika.org/><https://lovinmalta.com/lifestyle/young-progressive-beings/> <https://www.maltatoday.com.mt/news/national/92553/growth_in_pupils_choosing_ethics_over_religious_studies#.YK5d7KgzbIU>

 [↑](#footnote-ref-30)