

Questionnaire to States on Anti-Muslim Hatred and Discrimination

Feedback of the Government of Malta

1. Muslims within the State

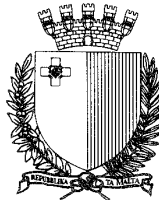
The Human Rights Directorate (HRD) within the Ministry of Justice, Equality and Governance, does not collect such statistics. Nevertheless, the HRD collaborates with different migrant communities in its work. In fact, there are multiple Muslim groups that the HRD is in communication with.

2. The Right to Freedom of Thought, Conscience and Religion or Belief

a. The Maltese Constitution stipulates full freedom of conscience and religious worship, subject to restrictions in the interest of public safety, order, morality, health, or protection of the rights and freedoms of others. It prohibits discriminatory treatment based on creed. Moreover, it establishes Roman Catholicism as the state religion.

b.

- i. N/A
- ii. N/A
- iii. N/A
- iv. The criminal code does not allow individuals to wear “masks or disguises” in public, unless otherwise explicitly stated in law; there is no specific reference – or exception – to coverings worn for religious reasons. Violations are subject to a reprimand, a fine of 23- 1,165 euros or a jail sentence of up to two months.
- v. The government does not require religious groups to be registered. A religious group has the option to register as a voluntary organisation with the Office of the Commissioner for Voluntary Organisations. The law does not provide registered groups with tax deductions or exemptions but allows them to engage in “public collections” without obtaining any further authorization. It also makes them eligible to receive grants, sponsorships, and financial aid from the government and the Voluntary Organisations Fund, an entity financed through the government and the European Union (EU). The Minister of education appoints the governing council of the fund, which includes members from voluntary organisations and a government representative. Religious groups not registered as voluntary organisations with the Office of the Commissioner for Voluntary Organisations do not receive funding from the government or the Voluntary Organisations Fund, and must obtain approval from the Commissioner of Police to carry out public collections. Approval is not required for collections from members or



congregants. Groups that do not register as voluntary organisations otherwise have the same legal rights as registered groups. All registered and unregistered religious groups may own property, including buildings. Groups using property for a particular purpose, including religious worship, must obtain a permit for that purpose from the Planning Authority. All religious groups may organize and run private religious schools, and their clergy may perform legally recognized marriages and other religious functions

- vi. N/A
- vii. N/A
- viii. N/A
- ix. N/A
- x. N/A
- xi. N/A

- c. N/A
- d. N/A

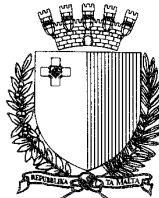
e. The Ministry for Education and Employment offered ethics as an alternative to religious lessons in an increasing number of public schools. All students in training to become primary school teachers were receiving training in the teaching of ethics. During 2019, 2,686 students in public schools, and 4,031 students in all schools, accounting for 7.1 percent of all students nationwide, were enrolled in ethics classes.

The constitution states the Catholic Church has “the duty and the right to teach which principles are right and which are wrong.” The constitution and law make Catholic education compulsory in public schools; the state, rather than the Catholic Church, provides the course through teachers, who may be non-Catholic. Students, with parental consent if the student is under the age of 16, may opt out of these classes and instead take an ethics course, if one is available. If a school does not offer an ethics course, students may still opt out of the religion class. Students may enrol in private religious schools. The law does not regulate religious education in private schools. The law does not allow home-schooling for religious or other reasons except for physical or mental infirmity.

3. Equality and Non-Discrimination

a. Malta does not have a specific system for recording hate crime, and therefore does not have any data on the number of reports made, cases prosecuted, or decided. Therefore, important case law can only be derived from media coverage.

b. Article 45 of the Constitution of Malta prohibits the enactment of any law which is discriminatory, either of itself, or in its effect. It also prohibits any discriminatory behavior by any person acting by virtue of law, or by virtue of the public office held.



The Constitution protects the following characteristics: - Race; - Place of origin; - Political opinion; - Colour; - Creed; and - Sex, sexual orientation, or gender identity.

c. The element of under-reporting is of concern. So far, Malta does not have the structure for an effective reporting system for the victim to seek and have remedy and to curb discrimination. In this regard, the HRD is undertaking two initiatives, the first one being an EU-funded project on discrimination against religious and ethically-based minorities; and the second is Malta's first national action plan against racism and xenophobia.

The project seeks to tackle the element of under-reporting through a train the trainer programme with leaders of religious minorities, as well as through outreach and an awareness-raising campaign. The action plan, if approved by Cabinet, will aim to implement measures that tackle discrimination and xenophobia in different spheres of the Maltese society.

d. N/A

e. N/A

f. The HRD has a number of forums through which migrants are encouraged to take an active role and lead in. *Turning the Tables*, in particular, gives funding to select members of the Forum on Intercultural Affairs (who are members of different migrant communities) to be able to set up seminars to discuss and propose measures.

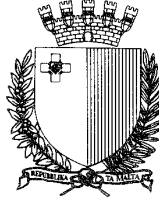
g. N/A

h. N/A

i. The Criminal Code criminalises the incitement to hatred on the basis of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion (punishment: imprisonment ranging from 6 to 18 months); The condoning or denial of genocide, crimes against humanity, war crimes, or crimes against peace against groups defined by reference to race, colour, religion, citizenship, descent, or national or ethnic origin, gender, gender identity, sexual orientation, language, citizenship, or political or other opinion is also criminalised (punishment: 8 months to 2 years); Aggravates punishments related to the crimes of bodily harm by one to two degrees when that crime is motivated by religion or belief, as well as punishments related to the crimes of threats, private violence, and harassment by one to two degrees; Aggravates punishments related to the crimes against public safety and injury to property by one to two degrees when that crime is motivated by religion or belief.

j. N/A

k. N/A



4. State practices to promote tolerance and understanding, including with private and public actors

- a. N/A
- b. The HRD holds the Interfaith Integration Forum which brings together representatives of different faith communities in Malta. The seminars are organized in conjunction with International Organisation for Migration.
- c. N/A
- d. N/A
- e. N/A