

Malta

Issues

- Malta does not recognise the right to conscientious objection for professional soldiers.

Military recruitment

Conscription

Conscription has never existed in Malta¹. According to the Armed Forces Act, the Armed Forces of Malta can only be raised “*by voluntary enlistment*” (Article 3)².

Professional soldiers

The legal basis for enlistment into the Armed Forces of Malta is the 1970 Malta Armed Forces Act³.

The minimum age for joining the Armed Forces of Malta is 18 years, and the maximum age is presently set at 25 years, and 23 years for Officer Cadets⁴. There is also the option to join the Emergency Voluntary Reserve Force, in which case the maximum age for joining is 35 years⁵. This is a part-time force.

Recruitment is by public announcement. There is at least one call for applications annually. This is published in the Malta Government Gazette and advertised in all the local newspapers⁶.

Volunteers must sign up for at least 3 years.

Conscientious objection

Conscientious objection for conscripts

Article 35 paragraph 2 (c) of the constitution on the prohibition of forced labour mentions conscientious objection to serving in the military⁷. However, this does not guarantee a right to conscientious objection, it only excludes a substitute service for conscientious objectors from the definition of forced labour.

As Malta does not have conscription, and does not have laws giving the power to conscript, the issue of conscientious objection for conscripts does presently not arise.

Conscientious objection for professional soldiers

There are no legal provisions for conscientious objection for professional soldiers.

According to Article 9 of the Armed Forces Act 1970, the service of voluntary soldiers can be extended in an emergency or war for up to twelve months. In fact, in this case any discharge is automatically postponed⁸. Article 10 makes similar provisions in case a war is imminent.

Article 14 allows for the purchase of discharge before the end of a contract, but this is not possible in case service has been extended according to Article 10 (see above).

1 War Resisters' International: Refusing to bear arms. 1998, <http://wri-irg.org/co/rtba/archive/malta.htm>, accessed 29 April 2008

2 Malta Armed Forces Act 1970, http://docs.justice.gov.mt/lom/legislation/english/leg/vol_5/chapt220.pdf, accessed 29 April 2008

3 Malta Armed Forces Act 1970, http://docs.justice.gov.mt/lom/legislation/english/leg/vol_5/chapt220.pdf, accessed 29 April 2008

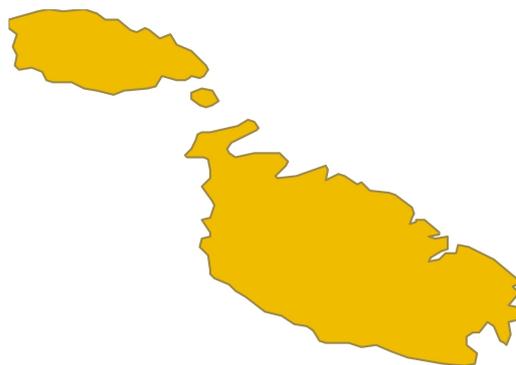
4 Armed Forces of Malta: WHAT ARE THE REQUIREMENTS FOR ENLISTMENT IN THE AFM?, <http://www.afm.gov.mt/faq.htm>, accessed 29 April 2008

5 Armed Forces of Malta: Emergency Voluntary Reserve Force, <http://www.afm.gov.mt/brochures/EVRF%20info.pdf>, accessed 29 April 2008

6 Armed Forces of Malta: WHAT ARE THE REQUIREMENTS FOR ENLISTMENT IN THE AFM?, <http://www.afm.gov.mt/faq.htm>, accessed 29 April 2008

7 Constitution of Malta, http://docs.justice.gov.mt/lom/legislation/english/leg/vol_1/chapt0.pdf, accessed 29 April 2008

8 Malta Armed Forces Act 1970, http://docs.justice.gov.mt/lom/legislation/english/leg/vol_5/chapt220.pdf, accessed 29 April 2008



Draft evasion and desertion

According to article 47 of the Armed Forces Act 1970 disobeying a lawful order can be punished by up to two years imprisonment⁹. Desertion is punishable by up to two years imprisonment, according to Article 50. In case of desertion from active service, the punishment is more than two years.

Similar punishments are possible for being absent without leave (article 51).

Information on practice is not available.

9 Malta Armed Forces Act 1970, http://docs.justice.gov.mt/lom/legislation/english/leg/vol_5/chapt220.pdf, accessed 29 April 2008