

----- Original Message -----

From: Muscat Stefan at Defence <stefan.muscat@gov.mt>

To: "ebco@ebco-beoc.org" <ebco@ebco-beoc.org>

CC: Buttigieg Carmen at Defence <carmen.buttigieg@gov.mt>, Baldacchino Angelico at Defence <angelico.baldacchino.1@gov.mt>

Date: 23/01/2023 16:35 EET

Subject: RE: Questionnaire for EBCO's Annual Report 2022

Dear Sir or Madame,

Please find reply attached.

Best regards

Stefan

Stefan Muscat

Assistant Director  
Directorate for Defence Matters

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MINISTRY FOR HOME AFFAIRS,  
SECURITY, REFORMS AND EQUALITY

HEAD QUARTERS AFM, LUQA BARRACKS,  
LUQA, MALTA

**From:** Buttigieg Carmen at Defence <carmen.buttigieg@gov.mt>

**Sent:** Thursday, 03 November 2022 05:11

**To:** Muscat Stefan at Defence <stefan.muscat@gov.mt>

**Subject:** FW: Questionnaire for EBCO's Annual Report 2022

**Importance:** High

Carmen Buttigieg

Director  
Directorate for Defence Matters

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MINISTRY FOR HOME AFFAIRS,  
SECURITY, REFORMS AND EQUALITY  
HEAD QUARTERS AFM, LUQA BARRACKS,  
LUQA, MALTA

**From:** EBCO BEOC <>

**Sent:** Tuesday, 01 November 2022 14:24

**To:** Home Affairs at MHSR <[homeaffairs@gov.mt](mailto:homeaffairs@gov.mt)>; Buttigieg Carmen at Defence <[carmen.buttigieg@gov.mt](mailto:carmen.buttigieg@gov.mt)>; Curmi Jeffrey at Transport <[jeffrey.curmi@transport.gov.mt](mailto:jeffrey.curmi@transport.gov.mt)>

**Subject:** Questionnaire for EBCO's Annual Report 2022

**Importance:** High

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Dear Sir/Madam,

Attached please find a letter from our President about your country's entry in EBCO's Annual Report 2022.

Yours sincerely,

*European Bureau for Conscientious Objection (EBCO)*

[www.ebco-beoc.org](http://www.ebco-beoc.org)

[ebco@ebco-beoc.org](mailto:ebco@ebco-beoc.org)



23 January 2023

Alexia Tsouni,  
President  
European Bureau for Conscientious Objection,  
35 Van Elewyck street, 1050 Brussels, Belgium

**Questionnaire about EBCO's Annual Report 2022**

Dear Alexia Tsouni,

In response to your letter dated 1 November 2022 kindly find the requested information hereunder:

1. How was the conscription ended? It was suspended or abolished? Which year and by which law/decision? Please share it with us. In case it has only been suspended, what measures are in place to ensure that military service remains on voluntary basis, and what are the plans to finalise its abolition?

Since Malta's Independence in 1964, Maltese legislation, the Armed Forces of Malta Act never included conscription.

2. How was the human right to conscientious objection to military service first recognised? Which year and by which law/article of Constitution? Is it recognised in peace time, in general/partial compulsory mobilisation, and in war time?  
Not applicable since enlistment is voluntary.

3. What is the legal minimum age for voluntary enlistment in peace time, in case of general/partial compulsory mobilization, and in war time?

18 years

4. How is the human right to conscientious objection recognised for the professional members of the military? What are the procedures to allow the early release of a serving member of the military who develops conscientious objections? Please provide for the recent years the number of applications, the number of acceptances, the number of rejections, and, if relevant, the grounds of rejection.

As the right to conscientious objection is not a right per se but derived from an interpretation of the right to freedom of thought, conscience, and religion, it features accordingly in the Constitution of Malta under Article 40. Article 35 addresses

conscientious objection in terms of military personnel with regards to forced labour by stating that this exception does not include any labour required of a member of disciplined forces in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service. It therefore would suggest that conscientious objection in this regard is acknowledged even though Maltese legislation does not explicitly provide for it. The lawfulness of the labour is key.

To note, Chapter 220 of the Laws of Malta titled 'Malta Armed Forces Act' provides for in Article 47 'Disobedience to particular orders' that wilful defiance of authority, disobedience to a lawful command given or sent to the soldier personally shall on conviction by a court martial be liable to imprisonment. Once again this refers to the lawfulness of the labour, but it does not explicitly refer to an order which goes against article 40 of the Constitution. One will take it that if this situation arises, Malta would follow the international principles and standards on the matter.

Stefan Muscat  
Assistant Director  
Defence Matters Directorate  
Ministry for Home Affairs, National Security and Law Enforcement