INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR) and
CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the 110th Session of the Human Rights Committee for the attention of the Country Report Task Force on MALTA

(Military service, conscientious objection and related issues)

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Basic Information

Population (November 2012, estimated\(^1\)) 410,000

Conscription has never applied, and there have never been conscientious objection provisions. However, article 35 of the constitution, dealing with forced labour, explicitly excludes any alternative service which might be required of a conscientious objector.

Minimum recruitment age\(^2\): 17 years and six months.

Manpower reaching “militarily significant age” in 2010\(^3\): 2,554

Armed forces active strength, November 2012: \(^4\)

as a percentage of the number of men reaching “military age” 76.4%

Military expenditure US $ equivalent, 2012\(^5\) $53.1m

Per capita $130
As % of GDP 0.6%

\(^1\) Source: The Military Balance 2013 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

\(^2\) Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers, London, September 2012.

\(^3\) Source: CIA World Factbook. https://www.cia.gov/library/publications/the-world-factbook/index.html. The CIA defines “militarily significant age” as 16. However its estimates have not been updated since 2010 and therefore relate to the cohort of the male population reaching 19 (a more common recruitment age in most countries) in 2013. This figure is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.


\(^5\) Stockholm International Peace Research Institute (SIPRI), April 2013
In its declaration on ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) in 2002, Malta stated: "Under the Malta Armed Forces Act (Chapter 220 of the Laws of Malta), enacted in 1970, enlistment in the Armed Forces of Malta shall be made on a voluntary basis and no person under the age of seventeen years and six months may be so enlisted. A person under 18 years may not be enlisted unless consent to the enlistment is given in writing by the father of such person or, if such person is not subject to paternal authority, by the mother or by an other person in whose care the person offering to enlist may be. In any case, the term of engagement of a person enlisting under the age of 18 expires on reaching 18 years of age and enlistment has to be renewed. It is a mandatory condition for enlistment of potential recruits to produce a birth certificate from the national Civil Status Office to attest their age.

[...]

In practice the Armed Forces of Malta do not recruit and have not since 1970 recruited persons under the age of 18 years. The Government of Malta further declares that if in future recruitment of persons under 18 years were made such members of the armed forces will not take part in hostilities. Regulations under the Malta Armed Forces Act provide for a Junior Leaders Scheme whereby persons under the age of seventeen and six months could be recruited for training but in a non-combatant position, but in effect no such recruitment has taken place since 1970."

In its initial report to the Committee on the Rights of the Child under OPAC, Malta stated that this requirement also applied to “persons under the appropriate minimum age”, seemingly implying that as long as parental consent was forthcoming there was in fact no absolute minimum age. The Committee expressed its regret that the government had given “no indication of a minimum age under which it would not be possible to recruit children under any circumstance, ie even with parental of other legal guardian's consent” and recommended the enactment of a law establishing an absolute minimum age without exception for voluntary recruitment.6

As of September 2011, Child Soldiers International (see footnote 2 above) was reporting an unchanged situation. Therefore:

**Suggestion for the list of issues**

The Committee on the Rights of the Child noted in 2006 that there was seemingly no minimum age for military recruitment established in law, although the State Party insisted that in fact all recruitment since 1970 had been of persons aged over 18. Has the State Party taken action to clarify its legislation in this respect, as recommended by the Committee on the Rights of the Child?

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6 This account is taken from Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008* (London, 2008), p228; the relevant documentation could not be found on the CRC website.