

They fight for a secular Malta

'Malta is a fundamentalist Catholic country' – John Zammit



John Zammit: "State and religion are two separate matters. If they interfere, will help you to further your cause?"

General election, March 1966: priests from all the churches in Malta and Gozo declare it is a "mortal sin" to vote Labour.
EU Referendum, March 2003: the Archbishop's Curia states that "God has left the choices of an economic or political nature to the free, and therefore responsible, judgement of each individual." It further writes: "The voter has to make his decision according to that which his well-formed conscience points out to him."
With the voter now allowed to "make his decision", incontestably we can say that Malta's democracy has taken a great leap forward within the last decades. However, the "Association for Men's Rights" keeps fighting against the involvement of the Catholic Church in Malta's public life. Aurélie Blondel spoke to JOHN ZAMMIT, the president of the association.

To what extent does the Church keep on interfering in Maltese public life?

The Church is always interfering in public life. There is the clause in the Constitution, stipulating that Malta's religion is Catholicism, which I am against. The Church says that Malta is Catholic, and wants everyone to be Catholic and to go to church. It wants to put the crucifix in all the offices, in the schools... They do not want divorce, even for those who are not Catholic and married by civil law. They also refuse abortion and single sex marriages.

Do you think that this involvement of the Church in Malta's public life is harmful as far as human rights are concerned?

Obviously it is harmful. Abortion should be allowed in Malta, but the Church will not accept it. Abortion should be available for those women who find themselves in difficulties. Let me give you an example. A police officer found the body of a

15-year-old girl who was pregnant – she had gone over the cliffs at Dingli. If this girl had been helped, maybe if she had had an abortion, she might not have jumped.

We have a lot of separated people in Malta. They cannot divorce and therefore remarry. So now they are cohabiting. They have children. And children born out-of-wedlock have no rights. I wish to say that I was very religious in the 1960s but that all changed after the religious battles we had in the 1960s when it was a mortal sin to vote Labour.

Is it difficult not to be Catholic in Malta - to have another religion or no religion at all?

Yes, of course. There are many Maltese who do not believe in God, and some who change their religion. They are discriminated against.

Even our association – the Association for Men's Rights – suffers discrimination. We receive no financial support from the state because we want certain rights that are against the beliefs of the

Catholic Church. That is what we were told when we applied for financial aid.

When you become an MP, Prime Minister or President, you have to kiss the crucifix. You can refuse to do so, but then you are seen on TV refusing to kiss the crucifix, and you are cut off from the rest.

So it is more a question of mentalities than a question of law?

Yes. Legally you can live without being Catholic, but you are marginalised. It is like living in a Muslim country without being Muslim. That is why I say that Malta is like Iran, instead of a fundamentalist Muslim country, Malta is a fundamentalist Catholic country. I have been to many European countries recently and was very happy, especially in Amsterdam, Copenhagen and Brussels, to be free of the boredom of religion. I wish that we could become like them in the future.

But if it is a question of mentalities, it means that people are not ready for a change,

they do not want it?

The youth have been changing, there is an actual evolution within our young people. Most of them do not go to Church.

Do you think that Malta could really be a secular state?

Malta's getting there. It is going to be like France or Belgium. At the moment, mixed-marriages are increasing, more and more Maltese marry foreigners ... and so mentalities are changing.

To turn Malta into a secular state would imply a change in the Constitution?

Yes, that's what we will be trying to do in the future. In fact, recently the president of the European Court of Justice of the "Council of Europe" – of which Malta is a member – told us that if we take the case to the court, this could happen.

Do you think that the European Union, in spite of the promises it made not to

At the moment, the EU does not have a Constitution. It will be different when it does, because with a Constitution, the EU can ask all the members to do the same thing. In fact there was a vote on abortion in the European Parliament, although nothing has passed into law. They say that either all countries have the same laws, or there is no EU, if everyone can do what he likes.

The European Constitution could, in your opinion, include an article about separation between state and church?

I think so. That is why Valéry Giscard d'Estaing, the President of the European Convention, does not want to mention God and religion in the European Constitution. That is a good thing because the EU is not a religious community, it is secular. State and religion are two separate matters.

'Malta is not a colony of the Catholic Church' – Dr Emmy Bezzina



Emmy Bezzina: "We are not against religion, but religion is a personal thing, which is up to individuals."

Quarrels about marriage laws: nothing new under the Maltese sun?

You cannot understand the importance of the 1975 Marriage Act without referring to the 1960s, when the Labour Party wanted to introduce civil marriage, which resulted in it being excommunicated by the Curia.
Until 1975, after having supposedly been independent for 11 years, the country depended on foreign law: the Canon law, the law of the Vatican, for something as important as marriage. In other words, if you were a Protestant, a Muslim, if you had any other religion or none at all, there was no law governing marriage – except that people had to marry in church.
In 1975, the Marriage Act was eventually passed. For the first time, civil marriage was allowed. Also, this law meant that a court judgement, given in accordance with the law of a foreign country, would be recognised in Malta. The 1975 Marriage Act also allowed our civil court to annul marriages,

Divorce, civil marriages, church marriages, out-of-wedlock children... Marriage laws may be the main bone of contention that divides the Catholic Church and the defenders of secularism in the Islands. And admittedly, Malta's marriage law is the most obvious evidence of the influence of the Church in both public and private life, and of the links between the Church and the State. An involvement that guarantees the morality of the law, some will say ... something just unbearable when you are not Catholic, others will say.
Dr Emmy Bezzina, a lawyer specialising in family law who has been fighting for years for divorce in Malta, tells *The Malta Independent* about a long battle...

which was up until then a prerogative of the ecclesiastical tribunal.

Unfortunately, the Marriage Act was amended in 1995 so that the ecclesiastical tribunal can hear the case for the marriages contracted after 15 May 1995, to be annulled if one of the partner wishes. That's why fewer and fewer marriages are being annulled. This amendment, passed after two years of secret negotiation between the government, the Maltese Curia and the Vatican, is a legal abomination – it is unconstitutional. The supreme law, which is the Constitution of our sovereign country, should in no way be undermined by private agreement and foreign law. Malta is not a colony of the Catholic Church.

In a nutshell, if you consider that your marriage is over, you have three possibilities. If you have enough money, you can go abroad, pretend you want to reside there permanently, and obtain a divorce. If you cannot afford it, you can try having your marriage annulled. But annulment is not divorce. Divorce recognises that there are legal reasons for a valid marriage to be dissolved. Annulment is a constant hypocrisy: it states that a marriage that may have lasted for 25 years all of a sudden has never existed. Annulment means that the marriage should never have taken place. The third possibility for a couple which does not want to live together any longer is to apply for legal separation. You spend money and time

at the courts, and at the end of the day you still cannot marry the one you love. This is the most hypocritical way that Malta, by not allowing divorce, allows thousands of couples to cohabit together and have illegitimate children.

What do you think membership of the EU will change?

All of us will be European citizens. And as European citizens we won't have to reside a long time abroad to obtain divorce in a member state.

But above all, if we join the EU, divorce is not so far off, we are very optimistic that it will happen shortly. However, if divorce does not come, we will challenge the government, not only before the Maltese court but also before the European Courts.

Why do you think the government ignores the law by not accepting legislation about divorce?

You must have money to go abroad to divorce, that is highly discriminatory. It violates the most important article (45) of the Maltese Constitution, the European Convention of Human Rights and Fundamental Freedoms and the Universal Declaration for Human Rights. Why should only a Maltese who can afford to go abroad be able to divorce? Why should a Maltese married to a foreigner be able to divorce,

and not others? Divorce does exist in Malta, but not for everyone: that is discrimination, and it is prohibited.

Moreover, the fact that so many married people live apart causes discrimination between children born in marriage and those born out-of-wedlock. These latter do not inherit as much, and we must also take into account the psychological negative aspect: illegitimate children are marked as such on their birth certificates. They end up being stamped on for something that is absolutely not their fault.

To top it all, we can say that the government is violating minority rights. Actually, a recent independent survey shows that 40 per cent of the Maltese are now in favour of divorce. And when it comes to personal matters, there is no minority and no majority – minority rights have to be respected as much as majority rights.

So why does Malta, because of the arrogance and egoism of its politicians, capriciously remain without divorce? It is no excuse to say that it is because we are Catholic, because so, officially, are Ireland, Portugal and Italy, yet they have divorce.

We are not saying that if you get fed up with your woman or man simply because she or he has developed a freckle on the nose, you should be allowed to divorce. However, if a couple has responsible reasons for deciding that they have to start a new life, no government has the right to prevent it.

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