

# Malta

# Short cultural policy profile

# Prepared by Adrian Debattista

# September 2023

# 1. Facts and figures

Political system: Parliamentary Representative Democratic Republic

Official language(s): Maltese and English

	Latest available data	Latest available data minus 5 years
Population on January 1st	542 051 (2022)	475 701 (2017)
GDP in million EUR	16,870,322,000 (2022)	11 954 676 000 (2017)
GDP per capita in PPS Index (EU27_2020 = 100)	102 (2022)	102 (2017)
General government expenditure (in % of GDP)	41% (2022)	35% (2017)
Public cultural expenditure	127 882 000 (2021)	83 646 000 (2016)
Public cultural expenditure as % of GDP	0.9% (2021)	0.7% (2016)
Public cultural expenditure per Capita	246.13 (2021)	181.72 (2016)
Share of cultural employment of total employment	4.4% (2022)	4.8% (2017)

Sources: Eurostat and national expert.



#### 2. Cultural policy system

#### 2.1 Objectives

Malta's cultural policy framework is primarily defined by the country's National Cultural Policy, which lays out a plan for the holistic growth of the creative sector. Malta's first National Cultural Policy, published in 2011<sup>1</sup>, focused on the development of the cultural sector in Malta, laying the groundwork for the sector's growth through an emphasis on improving cultural governance, establishing a greater degree of international cultural cooperation and strengthening the professional status of the arts. The policy stated its central vision as "key to transform cultural and creative activity into the most dynamic facet of Malta's socio-economic life in the 21st century", aiming to achieve this by bringing about a greater degree of public participation in cultural activity, facilitating relationships between stakeholders across the sector, and encouraging knowledge-building and sharing.

The focus of Malta's second National Cultural Policy (NCP 2021)<sup>2</sup> has shifted slightly to place greater emphasis on the principle of the right to culture, stating that culture is "a dynamic force that can help negotiate integration and fight exclusion by engendering wellbeing for strong communities and a resilient cohesive society. To this end, NCP 2021 acknowledges the influence of the UNESCO Declaration on Cultural Diversity, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and the UN sustainable development goals. By openly embracing the principles outlined in each of these documents, Malta's cultural policy aims to develop more meaningful links between the creative economy and the cultural diversity within Maltese society. NCP 2021 places the concept of wellbeing at its core, describing its overall vision as "embracing culture for the wellbeing of all". Nevertheless, the policy was heavily influenced by the ongoing socio-demographic shifts in Maltese society and the impact of the COVID-19 pandemic on the working conditions and economy of Malta's cultural and creative sectors.

<sup>&</sup>lt;sup>1</sup> Malta Parliamentary Secretariat for Tourism, the Environment and Culture. (2011). National Cultural Policy 2011.

<sup>&</sup>lt;sup>2</sup> <u>Malta Ministry for National Heritage, the Arts and Local Government. (2021). National Cultural</u> <u>Policy 2021</u>.



# 2.2 Main features

Malta's cultural policy system is primarily informed by its National Cultural Policy, developed and published by central government, through the Ministry responsible for culture and the arts – currently the Ministry for National Heritage, the Arts and Local Government. Other Ministries are also directly or indirectly involved in the development or implementation of cultural policy either through coordinated interministerial approaches or through measures that have an implicit bearing on cultural policy.

NCP 2021 was designed following the formation of a dedicated working group of cultural policy experts, institutional representatives, and private sector representatives, who authored the policy document, conducted research, coordinated the public consultation process and carried out stakeholder meetings. This led to a policy framework based on the concepts of cultural rights and sustainable development as defined by the UN Agenda 2030, the 2001 UNESCO Declaration and the 2005 UNESCO Convention, materialising into eight priority areas (see 3.1).

The budget for the cultural and creative sectors is also established by the central government in its annual budgetary forecasts published by the Ministry for Finance, establishing the public investment being allocated, including individual budget lines for Public Cultural Organisations, cultural initiatives, and funding programmes for the arts. While the major budget allocation for the sectors is directed towards the Ministry responsible for culture, there are also other Ministries responsible in administering the culture budget through specific measures such as the education and tourism Ministries.

Decision-making in Malta has long been highly centralised, with partial decentralisation taking place through local and regional councils (albeit with limited power and resources).<sup>3</sup> Nonetheless, over the past decade, there have been ongoing efforts to support the decentralisation of cultural policy and administration, as well as in terms of institutional cultural activity itself. Foremost amongst this was the Arts Council Malta Act (2015)<sup>4</sup>, which brought about greater devolution of powers across Public Cultural Organisations (initially nine, but later increased to 11), each being autonomous and with a distinct legal personality.

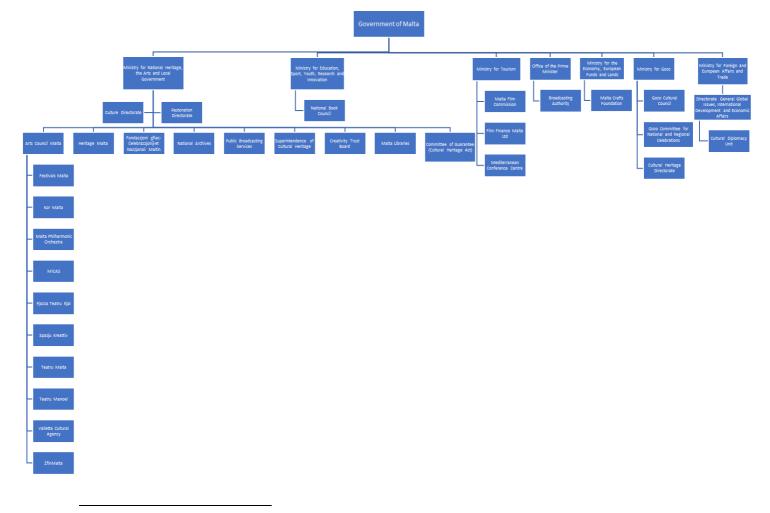
<sup>&</sup>lt;sup>3</sup> Cutajar, JosAnn , & Magro, J. (2009). Political decentralisation in the Maltese Islands. Malta in the European Union : Five Years on and Looking to the Future, 113-128.

<sup>&</sup>lt;sup>4</sup> Arts Council Malta Act 2015



This is further emphasized in NCP 2021, which outlines the need to "increase decentralisation and devolution to regional and local councils" as one of its policy objectives. The Policy calls for greater responsibility to be placed upon Local Government bodies as a driving force to develop and nurture local cultural identities. Specifically, local and regional councils are to have more direct control over the management of cultural resources and heritage that falls within their jurisdiction, as well as greater resources to drive initiatives supporting cultural innovation and community engagement amongst local communities.

The launch of Malta's first Regional Cultural Strategies in 2022 marked a significant milestone in this respect, encouraging the growth of cultural activity at a local and regional, rather than national level. These strategies seek to put NCP 2021's recommendations into practice by supporting the grassroots development of cultural activity through capacity building and investment in human and social resources.<sup>5</sup>



### 2.2 Governance system: Organisational Organigram

<sup>&</sup>lt;sup>5</sup> Regional Cultural Strategies 2022-2027



# 2.4 Background

Cultural activity in Malta has been largely shaped by political, ecclesiastical, educational or family privilege and influence throughout its history.

1950 – 1960: The post-war period in Malta was characterised by a simmering public debate about Malta's relationship with its colonial rulers and possible push for independence<sup>6</sup>, coming to a head in a series of riots against colonial authorities in April 1958. This tension between Malta's colonial history and its independence was to resonate throughout Malta's cultural policy for decades to come.

1960 – 1970: Although there was no formal cultural policy structure during this decade, it marked the start of a period of cultural renewal, particularly within the field of literature, where a new generation of writers and intellectuals founded the Moviment Qawmien Letterarju (Movement for the Promotion of Literature) in 1967. The Department of Culture is set up as a sectorial entity in 1962 and the Manoel Theatre Orchestra is created.<sup>7</sup>

1970-1980: Malta's two main political parties begin including cultural policy within their electoral programmes, including pledges to support the creation of more libraries and the creation of an association of Maltese artists as a first step towards professionalising cultural activity. A school of music and school of drama are established to encourage greater training in these fields.

1980 – 1990: The notion of cultural accessibility becomes more widespread, with both main parties pledging to ensure that culture is made more accessible to broader sectors of society. The Department of Culture is expanded into a full department in 1987.

1990 – 2000: Draft proposals to create the Malta Council for Culture and the Arts presented in 1993 and 1999. The National Archives Act created in 1990, the National Dance Council established in 1995, and the Manoel Theatre Orchestra is transformed into the National Orchestra in 1997.

2000 – 2010: The National Book Council is set up in 2001 through subsidiary legislation. 2002 saw the creation of the Malta Council for Culture and the Arts

<sup>&</sup>lt;sup>6</sup> Simon C. Smith (2007) Integration and Disintegration: The Attempted Incorporation of Malta into the United Kingdom in the 1950s, The Journal of Imperial and Commonwealth History, 35:1, 49-71, DOI: 10.1080/03086530601143396

<sup>&</sup>lt;sup>7</sup> The Ministry of Education (2001) Cultural Policy in Malta: a discussion document



(set up by Chapter 444 Malta Council for Culture and the Arts Act -replacing the previous Department of Culture - and Heritage Malta under the provisions of the Cultural Heritage Act (Chapter 444, Act 8). This was followed by the publication of the first National Cultural Heritage Strategy in 2006. St. James Cavalier Centre for Creativity launches a think-tank for culture entitled Valletta Creative Forum, initiating discussions on national cultural policy for years to come. In 2009 an interministerial commission is setup to prepare for Malta's bid to host the European Capital of Culture (ECoC).

2010 – present: The first National Cultural Policy is published in 2011, followed by the Creative Economy Strategy in 2012, defining the parameters of the creative industries and laying out strategic paths for the sector. In the same year Malta Libraries is established as a national agency through the Malta Libraries Act 2011. MCCA is restructured and becomes Arts Council Malta in 2015 through the Arts Council Malta Act, adopting a new strategic role for the sector. Arts Council Malta launches its first Strategy2020 in 2015, entitled Create2020.

In 2018, Malta's capital city – Valletta is European Capital of Culture with a programme coordinated by the Valletta 2018 Foundation, set up by the national government. In 2019, the Foundation becomes the Valletta Cultural Agency (VCA) set up to contribute towards Valletta 2018's legacy. A flagship project of Valletta 2018, being the launch of MUŻA – the National Museum of Art took place in the end of 2018, replacing the previous National Museum of Fine Arts and relocating from the Admiralty House to the Auberge d'Italie.

A second National Cultural Policy is published in 2021, a decade after the original policy was issued. This was followed by Arts Council Malta's launch of its second strategy document – Strategy2025 entitled 'Care, Create, Flourish', in 2022.<sup>8</sup> The end of 2022 saw the launch of Malta's first Regional Cultural Strategies, covering all six regions, making cultural policy explicitly recognised at a regional and local level.

<sup>&</sup>lt;sup>8</sup> <u>Arts Council Malta launches Strategy 2025 – 'Care Create Flourish'</u>



## 3. Current cultural affairs

#### 3.1 Key developments

The eight NCP 2021 priority areas against which policy measures are meant to be evaluated are:

- 1. Strengthening Cultural Governance
- 2. Increasing cultural access and widening participation
- 3. Elevating the status of the artist and professionals in the cultural, heritage and creative sectors
- *4. Improving artistic and cultural education*
- 5. Developing cultural infrastructure
- 6. Protecting and safeguarding Cultural Heritage
- 7. Promoting a culturally distinctive Gozo
- 8. Advancing international cultural relations

While all priorities have somewhat reflected and been reflective of public debate and policy makers' actions, whether in direct relation to NCP 2021 or not, some key developments have been integral to the trends of Maltese cultural policy climate recently. These include:

- Overall increases in government budget towards cultural institutions, funding programmes, cultural heritage and infrastructural projects and national cultural events. These increases have stalled since the COVID-19 pandemic but cultural expenditure remained over 1.5% of the total national budget.<sup>9</sup> As a result, a number of funding programmes have been extended or introduced by public entities to support and facilitate artistic projects, cultural heritage projects, arts education and professional development, cultural diplomacy and export programmes.<sup>10 11</sup>
- Increased pressures from civil society led to reforms in censorship and blasphemy laws as well as new provisions to the Criminal Code and the Electronic Communications Act, to strengthen freedom of artistic

<sup>&</sup>lt;sup>9</sup> Malta Ministry for National Heritage, the Arts and Local Government. (2021). National Cultural Policy 2021, p. 21

<sup>&</sup>lt;sup>10</sup> €1.3 million programme support scheme aimed at restarting the local arts sector

<sup>&</sup>lt;sup>11</sup> Culture Heritage Schemes for 2022 launched as part of €7 million investment



expression.<sup>12</sup> Media reforms towards improved freedom of the press and protection of journalists have also been in the works since 2022, following the recommendations from the public inquiry on the assassination of journalist Daphne Caruana Galizia in 2017.<sup>13</sup> Key independent stakeholders such the IGM (Malta Institute of Journalists) have been involved in its consultation process which has been deemed as in need for a more inclusive approach by some international and local NGOs.<sup>14 15</sup>

- Valletta's designation as the 2018 European Capital of Culture (ECoC) spurred significant investment, benefiting the city's regeneration, hospitality, catering, and cultural sectors. This led to the creation of two new cultural venues (MUZA The National Community Art Museum and the Valletta Design Cluster) and the establishment of the Valletta Cultural Agency. While ECoC positively impacted investment, tourism, vibrancy, and infrastructure, it faced criticism for promoting gentrification and commercialization, affecting the city's livability.<sup>16</sup> The case of Is-Suq tal-Belt, an indoor market, exemplified these issues, contrasted with the community-driven approach of the Valletta Design Cluster.<sup>17 18</sup> The NCP 2021 aims to enhance community engagement in cultural development, drawing inspiration from the Baukultur concept in the 2018 Davos Declaration.
- Since the onset of the COVID-19 pandemic in 2020, the artistic communities in Malta and Europe have become increasingly vocal about their precarious working conditions. Pandemic-related restrictions exacerbated these challenges, leading to heightened advocacy for fairer employment structures.<sup>19</sup> In response, Malta's national government is working on the first-ever Charter for the Status of the Artist, developed in consultation with independent cultural practitioners and associations. This charter aims to

<sup>&</sup>lt;sup>12</sup> Bill to 'strengthen freedom of artistic expression' approved by parliament

<sup>&</sup>lt;sup>13</sup> Free press to be protected under constitution in media reform

<sup>&</sup>lt;sup>14</sup> <u>PM agrees to freeze media reform for consultation</u>

<sup>&</sup>lt;sup>15</sup> <u>Malta: Press freedom groups urge PM to deliver strong media law reforms</u>

<sup>&</sup>lt;sup>16</sup> Ebejer, J., Xuereb, K., & Avellino, M. (2021). A critical debate of the cultural and social effects of Valletta 2018 European Capital of Culture. Journal of Tourism and Cultural Change, 19(1), 97-112.

<sup>&</sup>lt;sup>17</sup> Valletta's infrastructural boom has residents wary

<sup>&</sup>lt;sup>18</sup> Zammit, A., & Aldeiri, T. (2018). Assessing the relationship between community inclusion and space through Valletta 2018 cultural infrastructural projects on various community groups. The impacts of the European capital of culture: final research report, 50-72.

<sup>&</sup>lt;sup>19</sup> <u>Silent no more: artists protest and call for sustainable events plan (timesofmalta.com)</u>



standardize practices and establish legal protections for artists, ultimately improving their working conditions. Arts Council Malta is spearheading this effort, which began in 2023. Additionally, a fiscal measure has been implemented, reducing income tax for self-employed artists to 7.5%, below the minimum rate of 15%.<sup>20</sup> During the pandemic, support measures included the Covid Wage Supplement, Arts Council Malta's Restart Schemes, and post-pandemic support for cultural heritage organizations from the Ministry of Culture.

- The White Paper on Local Government Reform published in 2018 proposed measures for the assurance of Local Government autonomy and decentralisation. This process of decentralisation in cultural policy reached a key milestone with the development and launch of the six Regional Cultural Strategies in 2022 as guiding frameworks for cultural and artistic development on a regional level. Together with the Local Government Division and the Association for Local Councils, Arts Council Malta spearheaded the research and development of a unique cultural strategy for each region.
- To address lower cultural participation rates in comparison to the EU average,<sup>21</sup> Heritage Malta implemented a Heritage Passport program for children and their accompanying adults in 2018, as well as hosting open day events. The goal was to improve access to cultural sites for citizens. This program has now been expanded to include senior citizens.<sup>22</sup> In 2021, Arts Council Malta conducted a study on audience engagement with public cultural organizations during pandemic restrictions, which found low attendance rates and limited motivation for online engagement.<sup>23</sup> The study recommended that PCOs invest in building stronger relationships with local communities, expanding their audience databases, and developing more inclusive programming.
- Following increased recognition of the need to protect and manage underwater cultural heritage, Act No. XIX of 2019 within the Cultural Heritage Act was introduced as an amendment to ensure that for the first

<sup>&</sup>lt;sup>20</sup> Budget 2022: New 7.5% income tax rate for artists (timesofmalta.com)

<sup>&</sup>lt;sup>21</sup> Briguglio, M. (2017). Cultural Participation: Small population–Big variation. Perspectives of cultural participation in Malta, 13-30.

<sup>&</sup>lt;sup>22</sup> Introducing Heritage Malta Passport - Heritage Malta

<sup>&</sup>lt;sup>23</sup> Survey shows abysmal interest in arts and cultural events in Malta (timesofmalta.com)



time, all cultural remains over 50 years old and located on the territorial seabed of Malta were granted the same level of protection as terrestrial sites. In recognition of this responsibility, the Underwater Cultural Heritage Unit (UCHU) was set up within Heritage Malta in 2019.<sup>24</sup> Later in 2021, Malta ratified the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage.<sup>25</sup>

- Malta ratified the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage in 2017. As a result, the Culture Directorate was given the task of protecting and promoting intangible cultural heritage. This is done by creating a National Inventory that includes elements nominated by communities. These elements are evaluated to determine if they are worthy of national and global recognition and protection. The Directorate then applies to UNESCO for recognition of these elements based on the recommendations of a national board. In December 2020, the Maltese flattened sourdough bread called "ftira" became the first Maltese element to be included on UNESCO's Intangible Cultural Heritage of Humanity list.<sup>26</sup> A year later traditional "Għana" folk music was also approved to be included in the list.<sup>27</sup>
- Malta's film industry primarily serves as a location for international productions due to limited local resources. In 2016, the Tourism Ministry initiated the National Film Policy, offering financial incentives, employment regulations, and measures to boost screen tourism and film education.<sup>28</sup> Discussions have historically emphasized the industry's tourism and economic impact, resulting in a cash rebate increase for film producers from 27% to a maximum of 40% in 2019.<sup>2930</sup> This increase while lauded by international producers, has not been devoid of controversy, as it has been considered by industry insiders as incentivising foreign expenditure over

<sup>&</sup>lt;sup>24</sup> <u>First Underwater Cultural Heritage Unit for the management and protection of underwater</u> <u>cultural assets launched - Heritage Malta</u>

<sup>&</sup>lt;sup>25</sup> <u>PRESS RELEASE BY THE MINISTRY FOR NATIONAL HERITAGE, THE ARTS AND LOCAL</u> <u>GOVERNMENT Heritage Malta welcomes ratification of UNESCO Underwater Heritage</u> <u>Convention</u>

<sup>&</sup>lt;sup>26</sup> Intangible Cultural Heritage Malta (ichmalta.org)

<sup>&</sup>lt;sup>27</sup> Malta's Għana joins the rumba on Unesco's intangible cultural heritage list (timesofmalta.com)

<sup>&</sup>lt;sup>28</sup> <u>Malta's first film industry policy launched (timesofmalta.com)</u>

<sup>&</sup>lt;sup>29</sup> Film about Duke from Corsica among the 20 films shot in Malta this year - TVMnews.mt

<sup>&</sup>lt;sup>30</sup> <u>Malta Film Commission. (2018). Financial Incentives for the Audiovisual Industry: Cash Rebate</u> <u>Guidelines</u>



investment in local talent and resources, to which the Malta Film Commisson responded that the rebate contributed towards more employment opportunities.<sup>31</sup> Data available is still unclear on whether this increase directly led to more international productions being filmed in Malta compared to the period before 2019. However recent EU State Aid data showed that in total 54 productions were awarded the 40% rebate between 2019 and 2023 (including Maltese productions)<sup>32</sup> with 2021 alone accounting for 22 international productions<sup>33</sup>, being indicative of an increase when compared with the 34 international productions between 2005 (the year of introduction of the rebate) and 2014.<sup>34</sup> Recently, the Malta Film Commission also presented results from study it commissioned, which concluded that the rebate has had a multiplier effect of 3 on the Maltese economy – yet the study has not been published and its data is not publicly available.<sup>35</sup> The Malta Film Commission's 'aggressive' global marketing strategy<sup>36</sup> sparked controversy, with criticism focusing on the excessive allocation for international attention at the expense of local funding during the 2022 Malta Film Week and Malta Film Awards.<sup>37</sup> The Malta Producers Association (MPA) and MEIA raised concerns about the local film sector's challenges<sup>38</sup>, leading to the Malta Film Commissioner's announcement of a 2030 vision<sup>39</sup>, welcomed by MPA and MEIA, who called for increased local funding.<sup>40</sup> In 2023, the Malta Film Commission hosted the inaugural Mediterrane Film Festival, featuring Mediterranean country films, but faced backlash for its high costs related to international attendees' fees and hospitality.41

- In 2019, the National Book Council (NBC) organised the inaugural National Writers' Congress, leading to the approval of a draft bill emphasizing fair

<sup>&</sup>lt;sup>31</sup> <u>Rebates are good but favour foreign companies: local film-makers (timesofmalta.com)</u>

<sup>&</sup>lt;sup>32</sup> <u>Revealed: the films and TV series handed €143m in five years (timesofmalta.com)</u>

<sup>&</sup>lt;sup>33</sup> Study shows that 22 productions filmed in Malta in 2021 left €68 million in the local economy -TVMnews.mt

<sup>&</sup>lt;sup>34</sup> <u>Fact-check: Do cash rebates for films work? (timesofmalta.com)</u>

<sup>&</sup>lt;sup>35</sup> Study that 'proves' film rebates work will not be made public, minister says (timesofmalta.com)

<sup>&</sup>lt;sup>36</sup> Sustaining film cash rebate – Malcolm Scerri-Ferrante (timesofmalta.com)

<sup>&</sup>lt;sup>37</sup> <u>Major producers boycott Malta Film Awards (timesofmalta.com)</u>

<sup>&</sup>lt;sup>38</sup> <u>CelebrAZZJONI: New National Film Campaign Launched To Stand Up For Local Industry (lovinmalta.com)</u>

<sup>&</sup>lt;sup>39</sup> <u>Minister for Tourism announces 'Vision 2030' investment in aid of filming industry - The Malta</u> <u>Independent</u>

<sup>&</sup>lt;sup>40</sup> Joint Statement from MPA & MEIA About Vision 2030 Launched Today by Minister for Tourism

<sup>&</sup>lt;sup>41</sup> <u>Film stars' lavish Malta trips funded by taxpayers: 'Total cost at least €1m' (timesofmalta.com)</u>



compensation for authors. This bill aligns with the EU Directive 2019/790 on copyright.<sup>42</sup> The NBC also launched the Film Adaptation Fund, resulting in the first feature film adapted from a Maltese novel.<sup>43</sup> In 2020, the Maltese government proposed various legal reforms to comply with EU standards, including an Education Exception Contract, National Book Council Act for autonomy, Copyright Reform, and Tax Incentives for tax-free author royalties and publisher refunds.<sup>44</sup> An agreement between the Education Ministry, NBC, and Reprographic Rights Organization was signed to regulate book usage in public schools, benefiting authors and publishers.<sup>45</sup> In 2021 and 2022, Maltese literature gained traction in translation, expanding into English, Italian, and Spanish, with the NBC promoting it internationally through translations, collaborations, and special features.<sup>46</sup>

### 3.2 Key themes

# **Cultural Rights**

Since the formation of the NCP 2021, cultural rights have increased in prominence on the national agenda to the extent that the policy document "advocates for a reaffirmed commitment for the inclusion of culture and cultural rights in the Constitutional reform" (p. 13). To this effect Arts Council Malta published a resource pack for cultural operators entitled "Right to Culture" in 2022 – meant to guide in the development and implementation of cultural projects in light with the cultural rights concepts as per UNESCO Conventions.<sup>47</sup> Arts Council Malta also launched its Strategy 2025 in 2022 which states that the Council's mission is "driven by cultural rights" and thus underpin its actions and aims.<sup>48</sup> As a result the ACM has announced funding programmes that integrate the principles of cultural rights more explicitly, launched an advocacy campaign, initiated platforms of exchange revolving around the theme and will be hosting an International Cultural Policy Conference with the Association of the Compendium for Cultural Policies and Trends focusing on the theme.<sup>49</sup>

<sup>&</sup>lt;sup>42</sup> <u>Historic Maltese writers' congress passes economic rights motion (maltatoday.com.mt)</u>

<sup>&</sup>lt;sup>43</sup> Kunsill Nazzjonali Tal-Ktieb - The NBC Film Adaptation Fund

<sup>&</sup>lt;sup>44</sup> Kunsill Nazzjonali tal-Ktieb – Annual Report 2020

<sup>&</sup>lt;sup>45</sup> €100,000 investment to defend work of publishers and writers (timesofmalta.com)

<sup>&</sup>lt;sup>46</sup> Kunsill Nazzjonali tal-Ktieb – Annual Report 2022

<sup>&</sup>lt;sup>47</sup> Arts Council Malta – Right to Culture

<sup>&</sup>lt;sup>48</sup> Arts Council Malta – Strategy 2025

<sup>&</sup>lt;sup>49</sup> Malta | International Cultural Policy Conference 2023 | ASEF culture360



# **Artistic Freedom**

In 2015, Malta sparked a nationwide debate on censorship following the obscenity trial of novelist Alex Vella Gera and publisher Mark Camilleri.<sup>50</sup> Amendments led to the abolishment of 'vilification' of religion law in 2016.<sup>51</sup> The ban on the play "Stitching" resulted in legal battles and ultimately replaced the Maltese Board of Film and Stage Classification with a non-censoring Film Age Classification Board. The European Court of Human Rights ruled in favor of freedom of expression, awarding damages in 2018, allowing the play's successful staging in 2018, but causing financial strain on the theatre company.<sup>52 53</sup>

Malta's House of Representatives unanimously approved an artistic freedom bill on July 12, 2023. Introduced by Ministers Owen Bonnici and Byron Camilleri in June of the same year, it protects artists from prosecution and promotes broad cultural expression, with specific provisions in the Criminal Code and Electronic Communications Act. The bill focuses on credible and realistic threats in court action and safeguards online statements under artistic, satirical, or comic contexts.<sup>54</sup>

#### **Freedom of the Press**

Malta's media landscape has been marked by ongoing challenges to freedom of the press, particularly since the assassination of journalist Daphne Caruana Galizia in 2017. Concerns over journalist safety, strategic lawsuits against public participation (SLAPP), and political interference in media have prompted calls for reform.<sup>55</sup> While the government has taken steps to address these issues, including forming a Committee of Experts on Media, there are criticisms of transparency and the adequacy of proposed reforms.<sup>56</sup> International media NGOs have

<sup>&</sup>lt;sup>50</sup> Overdue censorship reform (timesofmalta.com)

<sup>&</sup>lt;sup>51</sup> <u>Updated | Religious vilification removed from Maltese law, Archbishop: 'Lord forgive them...' -</u> <u>MaltaToday.com.mt</u>

<sup>&</sup>lt;sup>52</sup> Whyatt, S. (2023). Free to Create: Artistic Freedom in Europe - Council of Europe report on the freedom of artistic expression

<sup>&</sup>lt;sup>53</sup> <u>Stitching Up censorship - The Malta Independent</u>

<sup>&</sup>lt;sup>54</sup> <u>Bill to 'strengthen freedom of artistic expression' approved by parliament (timesofmalta.com)</u>

<sup>&</sup>lt;sup>55</sup> <u>Malta: Comprehensive reforms still needed to protect journalists - ARTICLE 19</u>

<sup>&</sup>lt;sup>56</sup> Daphne Foundation outlines minimum media reform requirements - The Malta Independent



emphasized the need for broader consultation and more comprehensive anti-SLAPP laws.<sup>57</sup>

# Status of the Artist

The pandemic prompted Malta's artistic community and public entities like Arts Council Malta (ACM) to address the precarious conditions for artists. Initiatives included consultation processes, financial assistance like the Covid Wage Supplement, and flexible arts funding. It also led to the formation of the independent artists' association (MEIA), increased cultural employment research, advocacy, collaboration, and favourable fiscal policies. A notable development was the 2022 government proposal to establish a Charter for the Status of the Artist, aiming to standardize and enhance artists' working conditions while boosting transparency and accountability in both public and private sectors. In 2023, Arts Council Malta initiated a consultation process to develop the Charter, focusing on areas like employment, social security, intellectual property, skills development, and cultural infrastructure.<sup>58</sup>

# **Provision of Arts Education**

In 2017, Malta established the Malta Visual and Performing Arts School (MVPA) to offer secondary school students a specialized education in art, dance, drama, media, and music, alongside traditional subjects. The Mikiel Anton Vassalli College, founded in 2018, aimed to enhance arts education quality. NCP 2021 proposes a network of Creative Arts Coordinators to integrate arts into schools, shifting from STEM to STEAM and ensuring a minimum of 60 hours of arts education annually. While welcomed by arts educators, concerns arise over coordinator qualifications, arts education recognition, structural issues, and the need for more arts-focused teaching time.<sup>59 60</sup>

#### **Cultural Heritage Preservation**

Malta has seen a significant surge in construction<sup>61</sup>, raising concerns about the preservation of cultural heritage.<sup>62</sup> Critics blame urban planning policies,

<sup>&</sup>lt;sup>57</sup> Malta: Anti-SLAPP proposals require a more ambitious approach - ARTICLE 19

<sup>&</sup>lt;sup>58</sup> Priorities for culture in 2023 (maltatoday.com.mt)

<sup>&</sup>lt;sup>59</sup> Proposals for arts education – Raphael Vella (timesofmalta.com)

<sup>&</sup>lt;sup>60</sup> The national cultural policy and music's role in education (timesofmalta.com)

<sup>&</sup>lt;sup>61</sup> Construction activity is up 330 per cent since 2000 (timesofmalta.com)

<sup>&</sup>lt;sup>62</sup> Editorial: The battle for built heritage (timesofmalta.com)



overdevelopment<sup>63</sup>, and close ties between developers, boards, and politicians<sup>64</sup> for threats to vernacular, historical, British, and Modernist architecture. Calls for revising heritage asset scheduling for more contextual, inclusive, and objective approaches have arisen.<sup>65</sup> Critics argue that the focus on construction for economic growth is shortsighted.<sup>66</sup> The Superintendence of Cultural Heritage (SCH) has been criticized for having less influence than the Planning Authority in heritage protection decisions.<sup>67</sup> In an effort to incentivise urban cultural heritage preservation, the government introduced property tax exemptionsin 2021.<sup>68</sup> NCP 2021 proposals include transparent design standards, a civil society advisory committee, emphasis on reuse, increased SCH resources, a Public Inventory of Cultural Assets, building height revisions, and community involvement in Urban Conservation Areas (UCAs).

### **Cultural Infrastructure**

In recent years, Malta has made substantial capital investments in its cultural infrastructure. Notable projects include the relocation of the Museum of Fine Arts to MUŻA, the establishment of the Malta International Contemporary Arts Space (MICAS), and the evolving Malta Carnival Experience, which now includes a carnival village. However, the latter faced delays due to archaeological discoveries and the need for additional EU funding.<sup>69</sup> These investments have undeniably bolstered tourism and the economy. Yet, they've also shed light on the urgency of supporting contemporary artistic expression in visual and performing arts. The 2021 National Cultural Policy recognizes the importance of cultural infrastructure investment in fostering social cohesion and community empowerment. The policy suggests flexible, community-driven cultural hubs operated by both public and independent entities to meet evolving societal needs. In 2022, the government's proposal to roof and upgrade the open-air Pjazza Teatru Rjal (ex-Royal Opera

<sup>&</sup>lt;sup>63</sup> <u>Overdevelopment: the elephant in the room (maltatoday.com.mt)</u>

<sup>&</sup>lt;sup>64</sup> Xuereb, K. (2019). Neo-colonialism in cultural governance in the EU: a Maltese case study. *European Journal of Cultural Management and Policy*, 4.

<sup>&</sup>lt;sup>65</sup> Zammit, N., & Bianco, L. (2023). Scheduling Heritage in Malta: The Perspective of Heritage Professionals. *Periodica Polytechnica Architecture*, *54*(2), 157-166.

<sup>&</sup>lt;sup>66</sup> Ebejer, J. (2019). Urban heritage and cultural tourism development: a case study of Valletta's role in Malta's tourism. *Journal of Tourism and Cultural Change*, *17*(3), 306-320.

<sup>&</sup>lt;sup>67</sup> <u>Planning strains Heritage Superintendence's resources (maltatoday.com.mt)</u>

<sup>&</sup>lt;sup>68</sup> Explained: How the VAT grant scheme for home restoration works (timesofmalta.com)

<sup>&</sup>lt;sup>69</sup> Whatever happened to the promised Carnival Village? (timesofmalta.com)



House) sparked controversy, as it involves historical preservation concerns and potential impacts on users and businesses.<sup>70</sup>

### 3.3 International Cultural Cooperation

Malta has been actively engaged in shaping an EU-oriented approach to international cultural relations, particularly in promoting intercultural dialogue within the Euro-Mediterranean region. Notably, in 2016, the Ministry for Foreign Affairs, in collaboration with the Anna Lindh Foundation and regional institutions, hosted the MED FORUM, emphasizing the significance of intercultural dialogue amid regional challenges.

During its 2017 Presidency of the Council of the European Union, Malta organized a forum that brought together EU Member States' Culture and Foreign Affairs Ministries and cultural stakeholders to discuss and adopt a strategic approach to international cultural relations. This approach has paved the way for a more coordinated and impactful engagement in cultural diplomacy.

A defining moment for Malta's position within global cultural policy was when it hosted the 7th World Summit on Arts and Culture in 2016, underlining its contributions to shaping global cultural policies. This generated significant attention in view of the European Capital of Culture which was to take place less than two years later - marking yet another opportunity for further international cultural cooperation. Other policy developments in the past decade include the establishment of a cultural export fund, and the creation of the Cultural Diplomacy Fund within the Ministry for Foreign Affairs, setting a focal point for internationalisation within Arts Council Malta, and membership in the European Union National Institutes for Culture (EUNIC) network leading to the launch of the EUNIC Malta Cluster in 2021.

Malta's public cultural organisations have showcased their ability to reach international audiences through projects and tours, with a focus on internationalization. The return of the Malta National Pavilion at the Venice Biennale in 2017 after a 17-year hiatus marked a milestone, with Malta maintaining a presence at subsequent editions with critical acclaim.<sup>71</sup> Furthermore, MUŻA (The National Community Art Museum) launched the first edition of the Malta Biennale 2024 under the patronage of UNESCO on behalf of

<sup>&</sup>lt;sup>70</sup> <u>80 years after Opera House bombing, public unhappy with open-air theatre</u> (timesofmalta.com)

<sup>&</sup>lt;sup>71</sup> <u>The Malta Pavilion at the Venice Biennale (timesofmalta.com)</u>



Heritage Malta and Arts Council Malta in 2023 with an open call for international artists to submit works to be exhibited.<sup>72</sup>

<sup>&</sup>lt;sup>72</sup> Malta Biennale call for artists | ASEF culture360



#### 4. Cultural Institutions

#### 4.1 Overview

In accordance with the Arts Council Malta Act (2015), the Maltese Government established a number of Public Cultural Organisations (PCOs) that fall under the umbrella of Arts Council Malta. Initially composed of seven organisations working across the fields of theatre, music and dance, these have since then increased to eleven organisations following the creation of KorMalta (Malta's National Choir), the Malta International Contemporary Arts Space (MICAS), and Teatru Malta (Malta's National Theatre Company), amongst others. The most recent structural development in 2023 saw the three PCOs specialising in the performing arts (i.e. KorMalta, ŻfinMalta (Malta's National Dance Company) and Teatru Malta) came together to form the National Agency for the Performing Arts (NAPA) which will provide a joint legal, administrative, and organisational framework.<sup>73</sup> These eleven Public Cultural Organisations form the basis of the country's national cultural infrastructure, operating as the focal points for the State's investment in various forms of creative practice, as well as managing a number of prime cultural venues, including theatres and performance spaces.

Aside from these Public Cultural Organisations, a range of other public bodies operate within the field of culture either directly under the umbrella of the Ministry for National Heritage, the Arts and Local Government, or as part of the portfolio of other Ministries. These include Heritage Malta, the Superintendence of Cultural Heritage, the National Archives, Malta Libraries, the Malta Film Commission, and the Malta Crafts Foundation, amongst others.

The presence of private cultural organisations, primarily operating as either profit-making companies or NGOs and voluntary organisations, is nonetheless vital to a vibrant cultural sector. Many private cultural organisations operate their own programmes and performances, although there is frequent overlap with public institutions either through the receipt of funding through public funding schemes (such as those operated by Arts Council Malta, for instance), or through work commissioned directly by public institutions. Public institutions, on their part, have the remit to pursue and initiate new collaborations and partnerships with private organisations, and it is not unusual for them to develop partnerships

<sup>&</sup>lt;sup>73</sup> <u>New National Agency for the Performing Arts, bringing together KorMalta, TeatruMalta and</u> <u>ZfinMalta, unveiled</u> | IFACCA - International Federation of Arts Councils and Culture Agencies



and co-productions with private cultural organisations when undertaking their own programming.

# 4.2 Data on selected public and private cultural institutions

Domain	Cultural Institution (Subdomain)	Public Sector		Private Sector	
		Number (YEAR)	Number (YEAR, minus 5 years)	Number (YEAR)	Number (YEAR, minus 5 years)
Cultural Heritage	Cultural heritage sites (recognised)	N/A	N/A	2,361 (2021)*	2,361 (2017)*
	Archaeological sites	25 (2022)	25 (2017)	19 (2021)**	21 (2016)**
Museums	Museum institutions	22 (2022)	21 (2017)	N/A	N/A
Archives	Archive institutions	2 (2022)	2 (2022)	N/A	N/#
Visual arts	Public art galleries / exhibition halls	N/A	N/A	N/A	N//
Performing arts	Scenic and stable spaces for theatre	28 (2017) *****	25 (2012)***	50 (2017) *****	47 (2012)***
	Concert houses	0	0	0	(
	Theatre companies	1	1 (2017)	N/A	N/A
	Dance and ballet companies	1 (2022)	1 (2017)	N/A	53 (2013)***
	Symphonic orchestras	2 (2022)	2 (2022)	0	(
Libraries	Libraries	57 (2021)	56 (2017)	N/A	N/#
Audiovisual	Cinemas	1 (2021)	1 (2019)	5 (2021)	5 (2019)
	Broadcasting organisations	2 (2022)	6 (2022)	6 (2022)	
Interdiscipli nary	Socio-cultural centres / cultural houses	1 (2022)	1 (2017)	N/A	N/A

 Table 1: Cultural institutions, by sector and domain

\* Full data is not available. These figures refer to the number of sites of cultural heritage significance listed in the National Inventory of Cultural Heritage, regardless of whether they are owned/managed by the State or by private individuals or organisations.



\*\* Full data is not available. These figures refer to the number of State-owned archaeological sites passed on to private organisations through Guardianship deeds by the Superintendence of Cultural Heritage. The Superintendence estimates that there are a total of 1,353 archaeological sites in Malta.

\*\*\* This refers to the number of theatres, not specifically theatre companies.

\*\*\*\* This figure refers to the total number of dance companies/institutions, regardless of whether they are owned/managed by the State or by private individuals or organisations. Sources: Superintendence of Cultural Heritage, Heritage Malta, National Statistics Office, Malta Libraries, Broadcasting Authority

\*\*\*\* This refers to number of theatres and unlike the 2012 data, this is derived from a catalogue published by the Valletta 2018 Foundation following a mapping exercise

Sources: Superintendence of Cultural Heritage, Heritage Malta, National Statistics Office, Malta Libraries, Valletta 2018 Foundation, Broadcasting Authority



#### 5. Cultural Funding

#### 5.1 Overview

Public cultural funding in Malta is fully distributed by central government either through direct expenditure or by budgetary allocation to public entities, agencies and local/regional councils. There have been significant increases in national budgetary allocations dedicated to the cultural sector in recent years with the total government expenditure going up by 302% over a decade (between 2013) and 2023). While there has been a registered year-on-year increase for the past ten years, except for 2023, notable surges took place in 2016 (39%), 2017 (21%) and 2019 (21.5%) - largely attributed to investments linked to restoration and regeneration cultural projects, Valletta 2018 ECoC, the restructuring and establishment of national cultural institutions, capital projects and funding programmes. In relative terms, since 2017 the percentage of total government expenditure allocated to the cultural sector has been over 1.5% has remained so ever since. Still, as per the general trends in government expenditure since the COVID-19 pandemic, budgetary allocations since 2021 have slowed down, while the 2022 budget for culture included new allocations aimed to boost financial support most negatively impacted from the pandemic conditions and restrictions. Yet the economic shocks resulting from the pandemic and the subsequent global inflationary pressures were somewhat mostly felt in the 2023 budgetary allocations as a decrease was registered for the first time in ten years - even though the decrease is minimal compared to the increases in the previous two years (1.4% decrease compared with 14% increase in 2022 and 7% increase in 2021). Yet as per NCP 2021, the policy commitment from the government remains for the budgetary allocation for culture to reach at least 2% of total expenditure.

The majority of the competitive funding programmes allocated towards the cultural sector, are managed by Arts Council Malta which is currently responsible for 17 funding schemes, some of which are in collaboration with other entities to support creative enterprises, voluntary organisations, collectives and indviduals in their professional development, capital expenditure, artistic projects, capacity building and international mobility initiatives. During the period defined by pandemic restrictions, the Council was responsible for specific financial support schemes aimed to alleviate the effects on artistic and cultural events that are audience-based. Other entities falling within other ministries have collaborated with Arts Council Malta. Public Cultural Organisations within the remit of Arts



Council Malta, also directly fund cultural projects via open calls, commissions or co-production methods and the Culture Directorate from within the Ministry responsible for Culture manage the Culture Pass programme in collaboration with Arts Council Malta. Public entities from other ministerial portfolios that are also responsible public funding towards the cultural sector include the Malta Film Commission, Malta Tourism Authority, National Book Council, Cultural Heritage Directorate (Ministry for Gozo) and the Malta Crafts Foundation.

While private sponsorships and donations towards the cultural sector are not considered to be significant and a common occurrence in Malta, there have been measures at policy level to incentivise it further. In 2016, Arts Council Malta announced a 150% tax deduction on donations to voluntary cultural organisation and public cultural organisations, was introduced whereby companies could claim donations at 150% against their income. This result in a total amount donated of EUR 3.2 million between 2016 and 2021 with a recorded increase every year except for 2021. Two years later the Ministry for Gozo launched the Dwejra Opportunity Fund which entailed match-funding from the government for donations towards cultural and natural heritage research in Gozo. A number of private foundations set up by companies and entrepreneurs have also supported arts and cultural projects as well as banks. Some of the most active include Alfred Mizzi Foundation, Farsons Foundation and the European Foundation for the Support of Culture. No comprehensive data is publicly available in this regard.

#### 5.2 Public cultural expenditure by level of government

Table 2:	Public cultural expenditure by level of government, in national
	currency and in EUR, 2022 and 2017

Level of government	Public cultural expenditure, 2022		Public cultural expenditure, 2017		
	In EUR	% share of total	In EUR	% share of total	
State	110 804 000	1.7%	63 597 000	1.6%	
Regional					
Local					
TOTAL	110 804 000		63 597 000	100%	



Source: Ministry for Finance and Employment, Arts Council Malta (2022) Note: \* At the date of expenditure

#### 5.3 Public cultural expenditure per sector

# Table 3: Public cultural expenditure: by sector, in national currency and in EUR,2020 and 2015

Field / Domain	Public cultural expenditure, 2022		Public cultural expenditure, 2017	
	In EUR	% share of total*	In EUR	% share of total*
Cultural Heritage	42 512 000**	38.4%	24 180 000**	38%
Museums	1 150 000	1.04%	1 350 000	2.12%
Archives	1 220 000	1.1%	710 000	1.12%
Visual Arts + Performing Arts	32 590 000***	29.4%	15 882 000***	25%
Audiovisual and Multimedia	26 967 000	24.3%	15 426 000	24.3%
Interdisciplinary Socioculture Cultural Rel. Abroad Administration Cultural Education	6 365 000****	5.7%	6 049 000****	9.5%
TOTAL	110 804 000		63 597 000	100%

Source: Ministry for Finance and Employment (Malta)

\* Total is taken to be total public cultural expenditure

\*\*This includes also budgetary allocations that are linked to museums however managed by cultural heritage institutions hence why they cannot be separated from the total amount \*\*\* It was not possible to separate visual and performing arts since allocations are made towards funding programmes or festivals covering all art forms and institutions that specialise in both visual and performing arts. Separating the ones specialising in either one would have led to misleading figures as the majority of the allocation is not towards a specific art form. \*\*\*\*\* This does not include international cultural relations allocations as that is included in the visual/performing arts



\*\*\*\*\* Cultural education is embedded in the allocations of the previous categories and data provided does not allow for such separation.

# 6. Legislation on culture

#### 6.1 Overview national cultural legislation

The past years have seen a number of legislative changes that have impacted the cultural sector in some manner. One notable instance of this is the introduction of the Media and Defamation Act (2018) in place of the Press Act, which brought about the removal of criminal libel and references to "offending public morals or decency"<sup>74</sup>, a charge that was occasionally levelled against artists and writers in the years leading up to this change. This was preceded by a separate bill, introduced in 2016, which decriminalised the vilification of religion<sup>75</sup>, effectively ending the charge of blasphemy. The practical implications of this new legislation were put to the test in 2020 when a carnival float linking Malta's Archbishop to a Catholic children's home embroiled in a child abuse scandal was banned from participating in the carnival parade by the Minister for Culture and event organisers, arguing that the float was defamatory. The float eventually did participate in the parade, but only once the reference to the children's home was removed.<sup>76</sup>

Other minor legal amendments were introduced during this period to support different forms of creative practice or remove obstacles that were deemed to be obsolete or draconian. The recognition of Creative Arts Psychotherapists under the Psychotherapies Professions Act in 2019<sup>77</sup> was an important step in providing the necessary regulatory framework for professionals within this field to operate. Following this amendment, arts therapy is now regulated by the Psychotherapy Profession Board within the Ministry for Social Policy and Children's Rights, in the same manner as other forms of psychotherapeutic practice. In 2018 a series of

<sup>&</sup>lt;sup>74</sup> https://timesofmalta.com/articles/view/criminal-libel-is-history-as-new-media-law-comes-into-force.679111

<sup>&</sup>lt;sup>75</sup> https://timesofmalta.com/articles/view/bill-decriminalising-vilification-of-religion-approved-a-sad-day-for.618649

<sup>&</sup>lt;sup>76</sup> Banned: carnival float linking Archbishop and home to child abuse (timesofmalta.com), Censorship in Malta: from 'Li tkisser sewwi' to a carnival pastiche (maltatoday.com.mt)

<sup>&</sup>lt;sup>77</sup> National Cultural Policy (2021)



amendments to the Maintenance of Good Order at Places of Entertainment Regulations were enacted<sup>78</sup> following outcry by local DJs and musicians, who argued that the regulations made organising music events prohibitive. The amendments introduced reduced the bank guarantee required by persons organising music events in unlicensed outdoor venues smaller than 750 square metres from €11,000 to €5,000.

In 2019, a series of amendments to the 2002 Cultural Heritage Act were introduced to specifically recognise underwater cultural heritage as a form of heritage receiving protection through the guardianship of the Superintendence of Cultural Heritage.<sup>79</sup> Prior to this, underwater cultural heritage was not formally protected. Other amendments within this bill included streamlining the process through which warrants to conservators and restorers are issued, as well as developing a national register for all entities and NGOs operating within the field of cultural heritage.

Meanwhile, other legal amendments sought to protect the income that artists and creative practitioners receive from royalties related to their work. The transposition of the 2019 European Copyright Directive on the Digital Single Market is intended to support artists' income streams derived from the use of their work on online platforms. The National Book Council introduced Public Lending Rights at public libraries in 2014, and later extended the scheme to also apply to the University of Malta library in 2021<sup>80</sup>, thereby ensuring that authors are appropriately renumerated for their work being borrowed. It also drafted a legal framework for basic standards in the publishing industry which was issued for public consultation in 2020. Amongst other things, this framework seeks to establish greater autonomy for the Council itself, as well as ensuring that rightsholders are remunerated for the use of their work within the public education system, and providing tax incentives for authors and publishers, including exempting royalty payments from income tax and allowing publishers to claim a 200% tax refund over royalties paid to authors.<sup>81</sup> Similarly a legal amendment to the Income Tax Act, resulted in a reduced income tax rate of 7.5% on artistic

<sup>&</sup>lt;sup>78</sup> Organising small parties will no longer require €11,000 bank guarantee (maltatoday.com.mt)

<sup>&</sup>lt;sup>79</sup> The Cultural Heritage (Amendment) Bill - The Malta Independent

<sup>&</sup>lt;sup>80</sup> Public Lending Rights | Kunsill Nazzjonali Tal-Ktieb

<sup>&</sup>lt;sup>81</sup> Draft law on basic standards in the publishing industry, digital copyright (timesofmalta.com)



activity from base year 2022, following a national budget announcement in October 2021 - which came into force in 2023.<sup>82</sup>

In September 2022, the Government pledged to enshrine freedom of the press in Malta's constitution through a series of media reforms introduced following the recommendations of a public inquiry into the assassination of Daphne Caruana Galizia.<sup>83</sup> Aside from formally recognising the role of the media as a public watchdog, these reforms also amend the definition of Freedom of Expression in line with article 11 of the EU Charter of Fundamental Rights.

More recently the Maltese House of Representatives recently unanimously approved a new bill aimed at strengthening freedom of artistic expression, following its third reading on July 2023. The bill aims to protect artists from prosecution for their work. It introduces new provisions to the Criminal Code sand the Electronic Communications Act, stating that the law shall not hinder artistic, satirical or comic expression.<sup>84</sup> The references to 'credible' and 'realistic' are to be taken into account by the police and the judiciary in interpreting the threats for which complaints can be made.

#### 6.2 Overview international cultural legislation

Please provide a short overview of the international legal instruments, related to culture (treaties, conventions, and agreements) signed, adopted, acceded or ratified by your country, including their enforcement in the national legislation. Please shortly describe, whenever possible, the general situation regarding the adoption but also the implementation of international key cultural conventions as well as recent debates on this issue (for example: why certain major legal instruments where not signed or adopted (due to constitution, political reasons and other reasons).

The following is a non-exhaustive list of culture-related treaties, conventions, international agreements and partnerships entered into by the Maltese State throughout the years. Bi-lateral cultural cooperation agreements with individual states are not included.

<sup>&</sup>lt;sup>82</sup> <u>Benefit from a reduced tax rate as a creative practitioner</u>

<sup>&</sup>lt;sup>83</sup> Free press to be protected under constitution in media reform

<sup>&</sup>lt;sup>84</sup> Bill protecting artistic expression receives unanimous parliamentary approval



- Malta joins UNESCO (1965). In 2013, Malta appointed a Monsignor as Malta's Ambassador to UNESCO, a controversial move that led several civil society organisations operating within the field of heritage to question the separation of Church and State within Malta's institutions.
- Malta signs and ratifies the European Cultural Convention of the Council of Europe (1966)
- Malta ratifies the European Convention on the Protection of the Archaeological Heritage (1971)
- Malta ratifies the Convention concerning the Protection of the World Cultural and Natural Heritage (1978)
- Malta signs and ratifies the Convention for the Protection of the Architectural Heritage of Europe (1990)
- Malta signs the Council of Europe Charter for Regional or Minority Languages (1992). To date, this has not been ratified.
- Malta signs the European Landscape Convention (2000). To date, Malta remains one of only two countries to not have carried out the ratification process. Malta's 2021 National Cultural Policy pledges to do so with urgency.
- Malta signs the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2006). To date, this has not yet been ratified. Malta's 2021 National Cultural Policy pledges to ratify this convention over the upcoming years.
- Malta ratifies the United Nations Convention on the Rights of Persons with Disabilities (2012). This convention is cited as an guiding influence on Malta's 2011 National Cultural Policy.
- Malta ratifies the Convention for the Safeguarding of the Intangible Cultural Heritage (2017) and begins working on developing a National Inventory of Intangible Assets<sup>85</sup> through the setup of the Intangible Cultural Heritage Board under the auspices of the Ministry for National Heritage, the Arts and Local Government.<sup>86</sup>

<sup>&</sup>lt;sup>85</sup> National Inventory | Intangible Heritage (ichmalta.org)

<sup>&</sup>lt;sup>86</sup> Board set up to implement national intangible cultural heritage policy - The Malta Independent



- Malta ratifies the Convention on the Protection of the Underwater Cultural Heritage (2021)