

MEMORANDUM TO CABINET BY THE
HONOURABLE THE PRIME MINISTER

Protection of Public Morality

His Grace The Archbishop of Malta has written about the present deplorable state of public morals and suggests the setting up of a special branch of the Police Force with the exclusive function to safeguard public morality. Its members would be properly instructed as to their duties both in regard to the standard of morality, which they should seek to protect, and in regard to a tactful approach to the problem in individual cases.

A 2. The above proposal is not considered feasible by the Commissioner of Police. However, he has recommended the issue of a Press Release, similar to that published in 1963, copy annexed, to be prepared in consultation with the Crown Advocate General, on the subject of Beach Wear and General Decency in Dress. Moreover, as he considers that the law is insufficient and allows too much latitude for different interpretation by the Courts, he strongly recommends that appropriate legislation be introduced with a view to defining more clearly what constitutes public decency; otherwise, a set of directives be issued on the subject in order that the Police may be guided in the execution of their duties.

3. The Chairman, Malta Government Tourist Board is against the issue of such a Press Release as this would have an adverse effect on tourism. He suggests, however, that if any warning is to be made at all, it should be published in Maltese only. On the other hand, the Hon. Minister of Education, Culture and Tourism feels that publication should be made in both Maltese and English.

4. Admittedly, there has been lately, due perhaps to a marked influx of people whose moral values may not coincide with ours, an aggravation of the situation as regards beach wear and decency in dress which calls for immediate action on the part of the Government.

5. There is a lot of argument about what types of dress and costumes are offensive to public morals but it is considered that an offence lies not so much in what people wear but rather how they behave themselves wearing it, and where they wear it. Every case has to be judged on its own merits and it would be rather difficult to introduce legislation providing for a clearer definition of public decency without allowing some degree of latitude for varying interpretations. Moreover, we have, at the same time, to safeguard our image as a progressive and modern tourist centre, which we have so much laboured to achieve. Certain other standards of decency however, could easily be defined, such as, for example, the prohibition of wearing bathing costumes away from beaches.

6. To rebut, therefore, any criticism that the Government is not conscious of its duties to enforce the moral code sufficiently, Ministers may wish to consider the advisability of issuing a fresh Press Release, due regard being had to present day circumstances, possibly backed by the formulation of a set of directives by which the Police could be guided in the execution of their duties where any disregard of recognized norms of public decency, although covered by law, may call for different interpretation.

B9C 7. A tentative draft Press Release and Police instructions are attached.

17th July, 1969.

PRESS RELEASE

THURSDAY, 25th JULY, 1963

No. 109

WEARING OF BATHING COSTUMES AWAY FROM BEACHES

The attention of the Government has been drawn to the fact that persons of both sexes are frequently seen in bars and other public places near beaches while improperly dressed.

2. The attention of the public is therefore invited to the fact that it is an offence to expose oneself indacently dressed in any public place.

3. It is considered that apart from the application of the law it should be by no means difficult for everyone to show due restraint and moderation in this respect. Thus it involves no great sacrifice to remember that bathing costumes permissible on the beach should be covered when worn in streets or elsewhere than on the beach itself.

4. The cooperation of the public in this matter will be appreciated as an act of courtesy to others and will, it is trusted, obviate the need for prosecution for non-compliance.

L-ARKIVJI NAZZJONALI TA' MALTA

DRAFT

PRESS RELEASE

The attention of the public is drawn to the provisions of the Criminal Code (Chapter 12) where it is explicitly stated that it is an offence to expose oneself naked or indecently dressed in any public place. The wearing of manifestly indecent bathing costumes, including bikinis, the wearing of bathing costumes without a suitable covering in any public street or place, and the driving about in cars while dressed only in bathing costumes, are not permissible.

2. It is considered that apart from the application of the law it should be by no means difficult for everyone to show due restraint and moderation in this respect. Thus it involves no great sacrifice to remember that bathing costumes permissible on the beach should be covered when worn in streets or elsewhere than on the beach itself.

3. It is expected that the public will co-operate in this matter in order to obviate the need for prosecution for non-compliance.

L-ARKIVI NAZZJONALI TA' MALTA

POLICE CIRCULAR

All Police Officers are to take effective action to ensure decency in dress, posture, and language on beaches and in other public places.

2. In terms of section 352(q) of the Criminal Code (Chapter 12) every person is guilty of a contravention against public order who "in the harbours, on the sea shore or in any other public place exposes himself naked or is indecently dressed".

3. The Police are therefore to take action in particular in the following cases:

- (a) women wearing bikinis as distinct from two piece suit;
- (b) males and females wearing only bathing costumes away from beaches or swimming pools, particularly in the streets;
- (c) males and females driving about in cars while dressed only in bathing costumes;
- (d) men taking off their bathing costume in the dressing rooms of water polo clubs, beach huts, etc. with the doors open;
- (e) indecent behaviour and extreme kissing and cuddling in public squares and other places where they constitute a scandal.

4. All members of the Force are to use their own discretion in all other cases and are not to allow any person outside the force to decide for them what is indecent or not. However a warning may be given to first offenders, especially in 'bona fide' cases. Moreover, a tactful approach is recommended when visitors or tourists are involved who are genuinely unaware of the rule, provided they take immediate steps to cover up the indecent bathing costume and to conform to our conventions regarding decency in dress.

L-ARKIVJI NAZZJONALI TA' MALTA