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## FREEDOM OF THE PRESS

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# Malta

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Malta's constitution guarantees freedoms of speech and of the press, but it limits these rights under a variety of circumstances. Laws against "vilification" of or "giving offense" to the Roman Catholic faith, the country's official religion, have led to restrictions on expression. Maltese law strongly defends public morality by criminalizing obscene speech, acts, and gestures. In June 2012, the criminal code and the Press Act were amended to include gender identity and sexual orientation, in addition to race, as prohibited grounds for hate speech.

Defamation is a criminal offense, and perceived victims have a legal right to reply. Civil libel cases are also common, with news outlets occasionally ordered to pay exorbitant damages. In July 2012, a court instructed *Malta Today* to pay €18,000 (\$23,100) for a series of articles on the business dealings of Peter Fenech, a lawyer and chairman of the government-owned Mediterranean Conference Center. The court found that Fenech could not be considered a public figure in the case. In October, the *Times of Malta* was ordered to pay €11,500 (\$14,790) to the Malta Union of Midwives and Nurses for a 2010 article. Both newspapers were

appealing the decisions, but no further rulings had been issued by year's end. There were also victories for defendants during the year. In February, a writer and an editor of the university publication *Realtà* were acquitted of publishing lewd material in 2009, while in October, editor of the opposition Labour Party paper *Kullhadd*, Felix Agius, was cleared of libeling the director general of the Malta Communications and Consumer Affairs Authority.

In September, Malta's 2008 Freedom of Information Act went into full effect, allowing any resident of the country or citizen of the European Union to submit a request for public information. The government website states that requests will receive a response within approximately one month.

The Broadcasting Authority regulates and monitors all radio and television broadcasts. Its members are appointed by the president on the advice of the prime minister. However, the process has been criticized in the past for being overly political. In February 2012, a court ruled that the Broadcasting Authority had not been acting impartially when it imposed sanctions, because the institution is responsible for both charging alleged violators and adjudicating their cases. The authority appealed the decision. In October, Malta's Public Broadcasting Services (PBS) objected to the Broadcasting Authority's ruling that the Labour Party could decide which party member would be sent to appear on programs rather than allowing stations to invite their own guests. Conversely, PBS came under fire in September for forcing out popular talk-show host Claudette Pace after she announced her intention to run for office on the Nationalist Party ticket.

The government does not restrict the internet. In October 2012, a proposal was submitted to entrench digital rights in the Maltese constitution. Malta is a physically safe environment for journalists, with no reported cases of threats or harassment in 2012.

The active independent media sector is free to convey a variety of opinions, with at least five daily and two weekly newspapers publishing in both Maltese and English. Political parties, private businesses, and the Catholic Church all have direct investments in broadcasting and print media, and these outlets openly express partisan views. The only national television broadcaster is PBS's TVM, though the country also has access to Italian television, which many Maltese watch. The internet was regularly accessed by 70 percent of the population in 2012.

## 2013 SCORES

PRESS STATUS

**Free**

PRESS FREEDOM SCORE

**22**

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POLITICAL ENVIRONMENT

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**9**

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