ESTABLISHMENT OF A COMMITTEE
OF EXPERTS ON MEDIA

Background: Consultations leading up to today’s announcements

- Since the publication of the report of the Public Inquiry into the assassination of journalist Daphne Caruana Galizia (herein referred to as ‘the Public Inquiry’), the Office of the Prime Minister has been holding consultations to ensure swift and timely implementation of the recommendations.

- Meetings were held between Prime Minister Robert Abela and key stakeholders, including the Caruana Galizia family and their legal representatives, the Institute of Maltese Journalists (IĠM) and members of international organisations like Article 19. The Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the European Commission, the European Parliament LIBE Democracy, and the Rule of Law and Fundamental Rights Monitoring Group (DFRMG) were also kept abreast of developments.

- These meetings were constructive and comprehensive. There was a lot of common ground, especially on the aim and objective of safeguarding the protection of journalists and the media in Malta.
The Committee of Experts

- As recommended by the Public Inquiry (in pages 436 and 437) a Committee of Experts (herein referred to as ‘the Committee’) has now been set up with the aim of analysing the journalism and media sector in Malta, underline areas which require development and make recommendations to the Prime Minister.

- The Committee is to report to the Prime Minister and will be chaired by former Justice Michael Mallia. Former Justice Mallia was also the Chair of the Public Inquiry Board. The other experts appointed to this Committee have wide knowledge and experience in Malta’s media industry.

These include:

1. **Mr Matthew Xuereb**: Assistant Editor of the Times of Malta who has been working in journalism for over 20 years and is the President of the Institute for Maltese Journalists

2. **Mr Kurt Sansone**: Online editor of MaltaToday who has been working as a journalist for over 25 years and is the Secretary General of the Institute for Maltese Journalists

3. **Prof Carmen Sammut**: Holds a PhD in Media and Communications and lectures and writes about journalism and communication. An experienced broadcaster who regularly appears as an analyst discussing current events

4. **Adv Kevin Dingli**: Served as Chairperson of Malta’s Press Ethics Commission and is the Managing Partner of Dingli & Dingli Law Firm

5. **Mr Saviour Balzan**: Founder and co-owner of MaltaToday with a career in journalism spanning over 30 years

6. **Mr Neil Camilleri**: Editor in Chief of The Malta Independent with over 17 years of experience in journalism, including 6 years as Deputy Editor at Net Television

7. **Prof Saviour Formosa**: Holds a PhD in Spatio-Temporal Criminology and is a lecturer and researcher at the University of Malta. Worked on various reforms and initiatives, including those related to money laundering
- The recommendations will be presented to the Prime Minister, who will be bound to table a copy thereof in Parliament in 10 days.

- The Committee will also examine the draft legislative amendments prepared by Government following the consultations carried out with key stakeholders.

**Legislative amendments submitted by Government to the Committee:**

1. **An amendment on the protection of journalists against strategic lawsuits against public participation (an anti-SLAPP provision)** which will be without prejudice to the application of European Union law and of any treaty to which Malta is a party. The provision will regulate situations where the execution of a judgment on defamation delivered by a court outside Malta is demanded in Malta and the judgment is executable in Malta under the other legal provisions on the enforcement of foreign judgments in Malta. It will provided that the Court shall, if it considers that the action which gave rise to the judgment was substantially based on claims related to Malta and that the action could have been filed in Malta but was probably not so filed as part of a strategy intended to inflict an undue financial burden on the defendant, limit the execution of the judgment to such amount which the Court considers as an amount which would have been due as damages and, or costs, under the Media and Defamation Act had the action been filed in Malta. Based on this amendment the Court will also be empowered to refuse the execution of such judgment if it considers that the execution of the judgment would violate the right to freedom of expression as protected under the Maltese legal system.

2. **An amendment to the Media and Defamation Act which addresses the situation where an author or an editor dies when civil proceedings for defamation have been commenced against the author or editor, or may be commenced or continued against the heirs.** It will be provided that in deciding the case on the merits, the Court shall not award any damages against the heirs of the deceased editor or author. The Court shall also be empowered to order that the proceedings be discontinued upon the demand of the heirs under such conditions as it may determine. The Court will also be empowered to order the discontinuance of the proceedings where it considers that legal responsibility for the alleged defamation cannot be determined after the death of the author or editor in their absence.
3. An amendment to the Criminal Code, to provide for an increase in punishment for offences against a journalist attributable to the execution of the journalist’s functions.

4. A proposed amendment to provide that in actions for defamation filed in terms of the Media and Defamation Act, payment of Court Registry fees will not be due upon the filing of the reply by the defendant but when the final judgment is delivered and only when the case is decided against the defendant.

5. An amendment to Article 41 of the Constitution on the right to freedom of expression to ensure that freedom and pluralism of the media and the importance of the role of journalists are respected.

6. The Committee for the Recommendation of Measures for the Protection of Journalists, Other Media Actors and Persons in Public Life, composed of the Commissioner of Police as Chairperson of the Committee, the Head of the Malta Security Service and the Commander of the Armed Forces of Malta, has already started functioning. This Committee’s task is to decide on measures to manage identified risks, to prepare a security plan, to provide necessary protection to journalists and other media actors and to provide the necessary protection for persons in public life. The proposed amendments will provide a legal basis for the Committee.

The Committee of Experts has been asked to provide feedback on the drafts provided in the next 2 months. These measures form part of the Government’s holistic plan to strengthen journalism and enhance democracy and freedom of expression as part of a just, fair and equitable society.