



**GVVERN TA' MALTA**  
**MINISTERU GHALL-ĠUSTIZZJA**

Council of Europe  
Platform to promote the protection of journalism and safety of journalists  
528 Avenue de L'Europe  
Strasbourg France

*Transmitted by the Permanent Representation of Malta to the Council of Europe*

19 October 2022

Dear Mr Gruden,

I write with reference to alert number 275/2022 on the Platform to promote the protection of journalism and safety of journalists on 7 October 2022. The alert concerns three Bills tabled in the House of Representatives by the undersigned on 4 October 2022, namely the Committee for the Recommendation of Measures for the Protection of Journalists, other Media Actors and Persons in Public Life (Establishment) Bill (Bill Number 17); the Constitution of Malta (Amendment) Bill (Bill Number 18); and the Protection of the Media and Journalists (Various Laws) (Amendment) Bill (Bill Number 19).

These Bills will complement the existing legal framework with the aim of further strengthening the fourth pillar of democracy. The Bills will *inter alia* introduce provisions intended to further protect the democratic way of life and the rule of law; to strengthen the fundamental rights of freedom of expression, privacy and media freedom; and to safeguard journalists and other media professionals against strategic lawsuits against public participation.

In line with the Report of the Public Inquiry on the assassination of Mrs Daphne Caruana Galizia, of 11 January 2022, the Government of Malta appointed a Committee of Experts on Media. The Committee is Chaired by Judge Michael Mallia (who was also the Chair of the Public Inquiry Board). The other experts appointed to this Committee also have a wide knowledge and experience in Malta's media industry, including academics and other media professionals. Some of these experts are also members of the Institute of Maltese Journalists (IGM).

The aim of the Committee was two-fold, namely, to analyse the journalism and media sector in Malta and to make recommendations thereon; and to give its reactions on the draft legislative amendments drafted by Government on this subject-matter. I must point out that these draft legislative amendments had been drafted following various consultations with key stakeholders, including international organisations such as the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Institute of Maltese Journalists and in a continued dialogue with the family of Mrs Caruana Galizia. It is also pertinent to note that these Bills had been tabled in the House of Representatives by the Honourable Prime Minister, Robert Abela, on 27 January 2022, rendering them accessible to the public and hence open for scrutiny and review by the public at large.



On 1 June 2022, the Committee of Experts presented the Government of Malta with its views and recommendations on the Bills, which recommendations are also available to the public. The Committee

informed Government that in drawing up its recommendations, they had consulted academia, authors, publications, journals and also consulted publicly. It is important to also note that the Government took up 87 percent of all recommendations made by the Committee of Experts on Media.

On 28 September 2022, I held a press conference to explain these revised three Bills and presented a copy to all the journalists present. Subsequently, I tabled the Bills in the House of Representatives on 4 October 2022 and the Bills have been published in the Government Gazette of Malta on 10 October 2022. It should be pointed out that the national legislative process involves various stages, including three readings in the House of Representatives and a Committee Stage. During this latter stage, the House of Representatives resolves into a Committee for the Consideration of Bills, whereby each individual clause of the Bill is examined. At this stage, apart from members of Government and Opposition, the general public may attend, contribute to the discussions and also suggest any amendments. In this regard, it is factually incorrect to state that Government of Malta moved on *“to pass anti-SLAPP legislation as part of a media reform package without adequate scrutiny from journalists and civil society”*.

Nevertheless, in a spirit of cooperation the Government engaged in further discussions with the Institute of Maltese Journalists and an agreement was reached between the two sides on the way forward. This resulted in a letter by the Honourable Prime Minister to Judge Michael Mallia, asking that the Committee of Experts consider the initiation of another consultation process on the three Bills.<sup>1</sup> Consequently, the Government has committed to await the result of this public consultation by process by the Committee of experts and consider it during the next phases of the legislative process.

Finally, I would like to reiterate the Maltese Government's support of initiatives aimed at promoting the safety of journalists and the rule of law, such as the Council of Europe's Platform to promote the protection of journalism and safety of journalists. In this regard, the Maltese Government remains at the Platform's disposal should further information on this alert be required.

Yours sincerely,

Jonathan Attard  
Minister for Justice

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<sup>1</sup> Government of Malta, *Press Release by the Office of the Prime Minister* (13 October 2022), available at: <https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2022/10/13/pr221385.aspx>