[MT] Freedom of Expression and Media in the Constitution

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Freedom of expression is enshrined in Art. 41 of the Maltese Constitution of 21 September 1964 (fundamentally amended on 13 December 1974, most recently amended by Act V of 2003).

According to Article 41 para. 1, except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of expression. This right includes freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (either to the public generally or to any individual) and freedom from interference with his (private) correspondence.

Nothing contained in or done under the authority of any law may restrict the freedoms enshrined in Article 41 para. 1, unless it is reasonably required in the interests of national defence, public safety and order, public morality or decency, or public health. Further restrictions listed in para. 2 include the protection of the reputations and freedoms of other persons, or the private lives of persons concerned in legal proceedings, the protection of information received in confidence, maintaining the authority and independence of the courts, protecting the privileges of parliament, or regulating telephony, telegraphy, postal services, broadcasting, television and other means of communication.

Rules which impose restrictions on public officers in contravention of para. 1 are admissible unless such restrictions are not reasonably justifiable in a democratic society.

Radio and television companies in Malta are monitored by the national Broadcasting Authority, which was founded in 1961 and whose existence is enshrined in the Constitution. Art. 118 of the Maltese Constitution stipulates that the President of the Maltese Republic appoints the members of the Broadcasting Authority on the advice of the Prime Minister. The Prime Minister should first consult the Opposition. According to Art. 119 of the Constitution, the Broadcasting Authority must ensure that broadcasting and television services preserve due impartiality in respect of matters of political or industrial controversy or relating to public policy and that persons belonging to the different political parties are allocated a fair proportion of broadcasting time.

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Constitution of 21 September 1964 (fundamentally amended on 13 December 1974, last amended by Act V of 2003)

http://docs.justice.gov.mt/lom/legislation/english/leg/vol_1/chapt0.pdf

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