[MT] Prohibition of Broadcasting Information Concerning Adoptions

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The Broadcasting Authority had, in 2007, amended its Requirements as to Standards and Practice Applicable to Participation in Media Programmes of Vulnerable Persons so as to prohibit, inter alia, programmes aimed at establishing the identity of the natural parents of children, including adopted ones. Moreover, programmes or parts thereof relating to adoption have to be aired after the 9 p.m. watershed. The same applies to programme promotions concerning adoptions. Since then, the legislator has taken action to tighten the provisions of the Civil Code on adoption. Article 128A of the Civil Code was added to the Code very recently by means of amendments made to the Civil Code by Article 41 of Act No. IV of 2008, entitled the Adoption Administration Act 2008 (now Chapter 495 of the Laws of Malta). The text of Article 128A of the Civil Code, which concerns broadcasting, provides that no person shall, without the approval in writing of an accredited agency, publish or cause to be published by means of broadcasting, any advertisement, news item or other material indicating, in relation to any particular child, born or unborn, whether or not that child may be adopted; a person intends to adopt the child; or a person intends or is willing to make arrangements with a view to the adoption of the child.

Unless authorised by the court, no person shall broadcast anything relating to an application for the adoption of a child or to adoption proceedings including: the name of the applicant or applicants; the name of the person who is or will be adopted; the name of the father, mother, guardian or tutor of the child who is or will be adopted; or any matter likely to enable any of the persons mentioned above to be identified.

Any person who contravenes the provisions of this Article shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term of not less than three months, but not exceeding six months or to a fine (*multa*) of no less than EUR 1,164.69, but not more than EUR 2,329.37, or to both.

Article 128A of the Civil Code, Chapter 16 of the Laws of Malta

http://www2.justice.gov.mt/lom/chronological_index.asp

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