[MT] Broadcasting Programmes' Regulation in Relation to the Divorce Consultative Referendum

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On Saturday 28 May 2011, Malta will be holding a consultative referendum where a vote will be taken in favour or against the introduction of divorce legislation in Malta. Malta, like the Philippines and the Vatican City, does not yet allow divorce to be granted by its domestic courts although the latter do recognize, in certain instances, divorces obtained abroad. On 16 March 2011 the House of Representatives approved a resolution whereby the people will be asked to vote on the following referendum question:

"Do you agree with the introduction of the option of divorce in the case of a married couple who has been separated or has been living apart for at least four (4) years, and where there is no reasonable hope for reconciliation between the spouses, whilst adequate maintenance is guaranteed and the children are protected?"

In exercise of the powers conferred by Article 15 of the Broadcasting Act, Chapter 350 of the Laws of Malta, on 4 April 2011 the Broadcasting Authority issued a directive to regulate broadcasting during the period between Monday 11 April and Saturday 28 May 2011. There are two campaign movements which will be heavily involved in debates on the broadcasting media, one in favour of the introduction of responsible divorce along the lines of Irish divorce legislation and another against divorce legislation arguing that divorce can never contribute to the strengthening of the Maltese family. The political party in Government (the Nationalist Party) has taken a stand against divorce, although a Private Member's Bill to introduce responsible divorce was tabled on 25 January 2011 by one of its own back-benchers together with a Member of Parliament from the Opposition. The Nationalist Party has further declared that if the divorce consultative referendum is approved, it will give a free vote in the House of Representatives to its Members of Parliament. The party in opposition (the Malta Labour Party) has agreed not to take a stand on the issue, although the Leader of the Opposition has declared that he will be campaigning on a personal basis in favour of the introduction of such law. Even the Opposition has given a free vote to its MPs. The Green Party, Alternattiva Demokratika, which is not represented in Parliament, has consistently been advocating the introduction of divorce legislation as a civil right in Malta.

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In its directive to broadcasting stations, the Authority had requested that they, no later than noon on Thursday, 7 April, 2011, provide it with a detailed schedule of programmes and advertisements covering the period from 11 April to 28 May 2011 for the Authority's approval. Where the broadcasting station intended to produce current affairs programmes, discussion programmes, investigative journalism programmes and programmes of a similar nature during the aforesaid period, it had to forward the subject of that programme and details of the participants in the programme, together with details of the presenter and producer, to the Authority for its approval. Changes of programme scheduling as submitted and approved require the Authority's prior endorsement. Further, any programmes dealing with divorce, marriage, the family and related topics have to be rigorously balanced in the views/opinions that they present.

Broadcasting Authority Directive on Programmes and Advertisements broadcast during the period Monday, 11th April to Saturday, 28th May 2011

http://www.ba-malta.org/07_11

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