

# ANNUAL REPORT



## Broadcasting Authority Malta

**2005**

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The Hon. Dr Lawrence Gonzi LL.D., M.P.  
Prime Minister  
Auberge De Castille  
Valletta

30<sup>th</sup> March 2006

Honourable Prime Minister,

In accordance with sub-article (1) of article 30 of the Broadcasting Act, Chapter 350 of the Laws of Malta, we have pleasure in forwarding the Broadcasting Authority's Annual Report for 2005.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. Scicluna'.

Joseph Scicluna B.A.  
Chairman

A handwritten signature in blue ink, appearing to be 'Kevin Aquilina'.

Dr Kevin Aquilina  
Chief Executive



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## 1. MESSAGE FROM THE CHAIRMAN

Having been appointed to this position only since the beginning of the current year it would indeed be presumptuous for me to comment on the performance of the Broadcasting Authority in the preceding year. However, even a cursory look at the review of the year by the Chief Executive in Section 2 to 19 of this report shows that, in spite of the fact that the Authority had not been constituted for a number of months during 2005, the Authority has scrupulously endeavoured to continue to perform both the scrutiny functions assigned to it by the Constitution of Malta as well as the wide-ranging regulatory responsibilities conferred to it by the Broadcasting Act and the relative subsidiary legislation. Although it is never advisable for the Authority to remain unconstituted for any period of time, this ability to ensure a reasonable measure of continuity even during periods when the Authority was not constituted was, to a great extent, due to the vision and commitment of my predecessor, Chief Justice Emeritus Dr Joseph Said Pullicino, together with the other members of the Authority, in the management of the organisation over the previous three years. It is also, of course, a testimony to the dedication and competence of the Chief Executive and his staff.



**Chairman**  
**Joseph Scicluna B.A.**

As readers of this report will note, during 2005 the Authority has continued to refine and to articulate its regulatory responsibilities, *inter alia* through the following measures:

- the transposition into Maltese law of the so-called EU Injunctions Directive (98/27/CE), as a result of which the Broadcasting Authority has been empowered to issue a compliance order when it is necessary to ensure that no advert, sponsorship or teleshopping is broadcast which is in breach of the Television without Frontiers Directive
- the upgrading of existing guidelines, originally issued in 2000, on the conduct of competitions and the award of prizes on the broadcasting media, to the status of a directive of the Broadcasting Authority in terms of article 15 of the Broadcasting Act, thereby rendering the relative provisions legally enforceable
- the adoption and updating, following due consultation with interested parties, of guidelines on the participation of vulnerable persons in media programmes
- the publication of a new set of guidelines on the reporting of news and the production of programmes on the commission of offences, their investigation and the relative court proceedings.

The Authority, of course, is very much conscious of the need to avoid the temptation of over-regulation and of the potential negative impact of over-regulation on the further development of the local broadcasting industry, including the independent production houses. However, this can



never be done at the expense of the Authority's constitutional obligations or of the right of viewers and radio-listeners to good quality and decent broadcasting.

During the forthcoming years, the reconstituted Authority has to address the multiple challenges that are emerging as a result of an evolving broadcasting scenario. In fact, in the first few months of its appointment, the Authority had already identified a number of issues that have to be addressed with some urgency as indicated hereunder.

- **The acquisition of exclusive broadcasting rights** by the cable and digital terrestrial television network operators in relation to events which the local viewer had become accustomed to watch on 'free-to-air' television, both local and foreign. At the moment of writing this message, this issue had already raised a major public controversy, both in relation to the transmission of the final competition of the 2006 FIFA World Cup and to other sporting events shown on foreign broadcasting stations being retransmitted by local network operators who have now acquired exclusive rights for the events in question.

There are a number of regulatory authorities who have a direct interest in this issue, including those responsible for consumer protection and fair competition. The Broadcasting Authority itself has a direct interest when the exclusive rights have been acquired in respect of an event which has been declared as being of major importance to society in terms of the Broadcasting (Jurisdiction and European Co-operation) Regulations (Legal Notice 158/2000). In fact, in virtue of these obligations, the Authority has already adopted and publicly announced its position on the obligations of the local holder of the exclusive rights of the 2006 FIFA World Cup.

The existing legal framework in relation to the transmission of established major events however now needs to be reviewed, clarified and amplified so that exclusive rights can continue to be acquired, not necessarily by the cable and digital network operators only, within parameters that are manifestly clear and understandable both to the general public and to broadcasters seeking to acquire these rights. The list of major events issued in Government Notice 900/2001 in terms of the relative Legal Notice has to be reviewed (some of the events now no longer exist) and specific transmission requirements (e.g. direct or deferred transmission) need to be more amply described. The relative provisions of the Legal Notice itself need to be expanded to provide for ancillary requirements, such as the need to establish specific criteria for the determination of reasonable market rates when the rights holder is expected to sub-lease all or part of the rights to a free-to-air broadcaster as well as the need to provide a more accurate definition of what constitutes satisfactory free-to-air coverage.





- **The migration process from analogue to digital broadcasting** and the implications of this process, in particular for the existing public service broadcasters and the other free-to-air stations. In February 2005 Government had published a policy document on digital broadcasting which had projected, *inter alia*, the end of the year 2010 as the analogue turn-off date and had also indicated that Government would be reserving the last three available frequencies for assignment to local broadcast content providers that met a set of so called '*general interest objectives*'. It should be pointed out that, in the digital context, these frequencies can accommodate a higher number of channels. These proposals are intimately linked to the relative EU *Acquis*, now transposed into local legislation, namely the Framework Directive regulating electronic communications networks and services (2002/21/EC), the Authorisation Directive (2002/20/EC) which allows Member States to assign frequency and bandwidth on a direct basis only where public interest considerations arise and furthermore provides that, otherwise, rights for commercial users are to be assigned only following open competition, and the Universal Service Directive (2002/22/EC) which allows for transmission capacity over the terrestrial and cable platforms to be guaranteed to a broadcast content provider that meets the established '*general interest objectives*' in order to ensure universal coverage of the service.

The Malta Communications Authority, with inputs from the Broadcasting Authority and other interested parties, is now in the process of finalising a draft consultation document to be issued by the responsible ministry that addresses the various issues involved, including a possible definition of '*general interest objectives*', criteria for access to transmission capacity and a projected implementation strategy. Should the proposed strategy in fact eventually be accepted, the Broadcasting Authority would have a key and critical role in its implementation, since it would be vested with the responsibility to establish whether a local broadcaster actually qualifies for a 'general interest objective' status and for the licensing of all local broadcast content providers, including those applying for a purely commercial broadcasting licence. This will increase the responsibilities of the Broadcasting Authority significantly, but the Authority would welcome such a development since this should remove the current fragmentation of responsibilities in the issue of broadcasting licences and therefore facilitate and streamline the regulatory role of the Authority. The Authority looks forward to the early publication of the consultation document.

- **The Proposal to amend Council Directive 89/552/EEC (*the Television Without Frontiers Directive*)**, thereby widening the scope of the Directive, *inter alia*, by extending certain provisions of the Directive to non-linear audiovisual services. This development could have significant implications for the Broadcasting Authority, including resource implications, and the Authority is therefore carefully following the pertinent developments together with other interested parties.





The Authority will, during the current year, be taking other, perhaps less strategic but equally important initiatives. These should include the following:

- a review of the current framework for the regulation of community radio stations;
- the enactment of a code for the regulation of programmes deemed to incite racial hatred;
- the publication of guidelines on gender equality and gender portrayal in the media.

Moreover, the Authority will be seriously considering whether existing guidelines on the coverage of news and current affairs (or parts of these guidelines) should be upgraded into a legally enforceable code of conduct. The Authority is concerned that certain provisions of these guidelines are not always being respected, especially by the political stations, as can be evidenced by certain unethical journalistic practices used during the last local councils election campaign.

A final few words about Public Broadcasting Services Ltd., the public service broadcaster. Over the past months there have been various public comments, not always positive, on the quality, diversity and scheduling of the station's programmes, particularly following the directive of the shareholder (the Government) that the station should henceforth adopt a more commercial approach and that it should avoid being a burden on the taxpayer. The Authority does not query this approach but on the other hand strongly feels that the need for the station to fully respect its public service remit, to recognise its very *raison d'être*, imposes an obligation on the station to undertake its commercial responsibilities with the utmost discretion. In this respect I should point out that, in the context of the formulation by the Minister responsible for broadcasting of the forthcoming public service obligation contract with the station, the Authority has provided its comments on various matters, including the quality of certain programmes being sourced out to the independent producers, the genre of programmes being consistently aired by the station during prime time, the increase and the timing of teleshopping programmes, the need for the station to maintain a respectable in-house production capability, especially in relation to current affairs programmes, and the need to synchronise, where this is possible, certain provisions of the public service obligation contract with existing legal transmission requirements, such as those listed in Government Notice 900/2001 on the transmission of major events. The Authority has been assured that its comments and proposals will be duly considered.

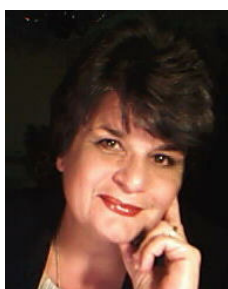
**Joseph Scicluna B.A.**

**30<sup>th</sup> March 2006**

**CHAIRMAN AND MEMBERS  
OF THE BROADCASTING AUTHORITY  
DURING 2005**



**Chairman,  
Chief Justice  
Emeritus Dr Joseph  
Said Pullicino  
B.A. (Hons.), LL.D.**



**Member  
Mrs. Rose Sciberras  
B.A (Hons.), L.P.**



**Member  
Dr Joseph Pace  
Asciak B.A. (Hons),  
D.Litt. (Firenze)**



**Member  
Mr. Antoine J. Ellul  
B.A. (Rel. Stud.)**



**Member  
Dr. Reno Borg  
B.A. (Hons.), M.A., LL.D.**



**Chief Executive  
Dr. Kevin Aquilina  
Dip. Phil., B.A., B.A.  
(Hons.), M.A., LL.M.,  
LL.D., Ph.D. (Lond)  
(L.S.E.)**



**Secretary  
Mr. Edgar P. Cassar**



## 2. REVIEW OF THE YEAR by the Chief Executive

### 2.1 - The Broadcasting Authority

During the year 2005, the Authority was composed as follows:

- Chairman: Chief Justice Emeritus  
Dr Joseph Said Pullicino B.A. (Hons.), LL.D.
- Members: Dr Reno Borg B.A. (Hons.), M.A., LL.D.  
Mr Antoine J. Ellul B.A. (Rel. Stud.)  
Dr Joseph Pace Axiak B.A. (Hons), D.Litt. (Firenze)  
Mrs Rose Sciberras B.A. (Hons), L.P.



A total of 16 meetings of the Authority were held during the year under review.

No meetings were held between April and June and October and December, as the Authority was not constituted. On 12th December the Chairman of the Broadcasting Authority resigned to take up the office of Ombudsman.

### 2.2 - Broadcasting Authority Committees

An Equality Committee within the Broadcasting Authority continued to function to ensure that the communication between the Broadcasting Authority and the National Commission for the Promotion of Equality between Men and Women is rendered easier and to co-ordinate better on subjects of mutual interest to both organisations.

The Broadcasting Authority's Equality Committee is constituted as follows:

- Chairperson: Ms Joanna Spiteri, Supervisor
- Members: Dr Kevin Aquilina, Chief Executive  
Mr Mario Axiak, Head Communications & Research  
Ms Natalie Debono, Programme Monitor

### 2.3 Quality Children's Programmes

A joint committee was established by the Broadcasting Authority and the Commissioner for Children in order to make proposals for the drafting of guidelines on quality children's programmes, the updating and revision of the Broadcasting Code for the Protection of Minors and to prepare a strategy aimed at ameliorating children's programming. The joint committee is composed of Mrs Marian Muscat Azzopardi, Member, Children's Council; Ms Daniela Debono, Research, Development and International Relations Officer at the Office of the Commissioner for



Children; Dr Kevin Aquilina, Broadcasting Authority Chief Executive; and Mr Mario Axiak, Broadcasting Authority Head Communications and Research.

#### **2.4 - The Authority's Staff**

During the year under examination, no vacant posts were filled. However, this notwithstanding, there were two vacant posts of Programme Monitor in the Monitoring Department and one vacant post of Human Resources Executive in the Administration Department. The relative procedure to fill one vacant post of Programme Monitor from Monitoring Officers will be concluded during 2006.

#### **2.5 - E.U. Meeting on Incitement to Hatred in Broadcasts**

The Chairman of the Broadcasting Authority, Chief Justice Emeritus Dr Joseph Said Pullicino B.A., LL.D., following an invitation by Mrs Viviane Reding, Commissioner for Information Society and Media, attended a meeting on 17th March 2005 of the High Level Group of Regulatory Authorities in the Field of Broadcasting. Mrs Reding chaired this meeting convened by the European Commission. The main topic discussed was "incitement to hatred in broadcasts coming from outside of the European Union".

#### **2.6 - Digitisation of Broadcasting Authority Equipment**

The Authority began internal discussions aimed at identifying what action to take to change all its video recorders with other information technology equipment in view of the fact that video recorders are being phased out by the industry. Indeed, in order to carry out its monitoring functions, the Authority records all nationwide radio and television stations. As nationwide stations are already being captured and recorded digitally, the Authority embarked on this internal review of its television recording equipment to identify the best solution to capture and record television programmes bearing in mind the need to cut down on costs and human intervention when recording such programmes.



### 3. BROADCASTING REGULATION

#### 3.1 - Approval of Broadcasting Licences

Once again, as in previous years, the Authority was very much involved in licensing the local broadcasting media, namely nationwide television free-to-air stations, nationwide radio services and community radio services, both permanent and for a short duration not exceeding one month of broadcasting.

The Authority has approved the following broadcasting licences in 2004:

STATION	DURATION	VALID FROM	FREQ (MHz)	POWER WATTS	DATE OF ISSUE	TYPE
Radju Prekursur	2 yrs	19/2/05	99.3	2	19/1/05	Community
Energy FM	2 yrs	24/3/05	96.4	3	14/2/05	Community
Lehen il-Qala	2 yrs	17/2/05	106.3	2	16/2/05	Community
Radju Sokkors	2 yrs	1/3/05	95.1	3.5	25/2/05	Community
Radju Lehen il-Guzeppini	18 days	22/5/05	90.6	0.5	16/5/05	Community
Radju Banda San Filep	9 days	5/6/05	106.3	0.5	3/6/05	Community
2005 Special Assembly Day of Jehovah's Witnesses	1 day	8/5/05	108	0.2	4/5/05	Community
Radio 12th May	15 days	29/5/05	96.5	1	23/5/05	Community
Radju Pawlin	29 days	5/6/05	97.2	0.5	3/6/05	Community
Radju Vizitazzjoni	1 mth	10/6/05	92.4	0.5	9/6/05	Community
Radju Margerita	1 mth	27/6/05	96.1	0.5	21/6/05	Community
Radju Santa Venera	13 days	19/7/05	91.2	0.5	19/7/05	Community
Radju San Vincenz de Paule	2 yrs	25/6/05	92.2	0.5	24/6/05	Community
Radju 15 t'Awissu	22 days	25/7/05	98.3	0.5	21/7/05	Community
Radio Stella Maris	21 days	1/8/05	94.2	2	26/7/05	Community
Radju Xeb-er-ras	2 years	25/7/05	90.8	1	25/7/05	Community
2005 District Convention of Jehovah's Witnesses	3 days	9/09/05	108	0.25	11/8/05	Community
Big FM	2 years	31/8/05	107.1	0.5	30/8/05	Community
Radju Leonardo	1 month	12/9/05	105.2	0.5	12/9/05	Community
Lehen il-Karmelitani	1 month	1/12/05	101.4	1	18/11/05	Community
Radju Santa Katarina	7 days	19/11/05	90.6	0.5	16/11/05	Community
Radju Vizitazzjoni	1 month	11/12/05	92.4	0.5	21/11/05	Community
Radju Ghall-Providenza	8 days	18/12/05	90.3	0.4	30/11/05	Community
Power FM	2 years	22/11/05	90.4	0.5	21/11/05	Community
Bastjanizi FM	2 years	23/11/05	95.0	0.5	22/11/05	Community
Three Cities Radio	2 years	6/11/05	99.4	0.5	4/11/05	Community
Radju Vilhena	2 years	3/12/05	96.1	0.5	2/12/05	Community
Radio Galaxy	2 years	14/12/05	105	0.5	12/12/05	Community
Fantasy Radio	2 years	8/11/05	104.1	0.5	7/11/05	Community
Radju Hal Tarxien	2 years	21/12/05	99	0.5	20/12/05	Community
Radio TZ	3 weeks	12/12/05	98.5	0.5	9/12/05	Community



### 3.2 - Digital Terrestrial Television

During 2005 the Authority continued to follow the developments, which were taking place both in Malta and abroad with regard to digital terrestrial television. In so far as Malta is concerned, the Authority was being constantly kept briefed by the Malta Communications Authority on the Government's digital terrestrial television strategy. Both authorities have begun to meet at regular intervals in order to discuss matters of regulation of mutual interest. These meetings have proved to be very fruitful and useful to co-ordinate strategy especially in view of the wealth of experience that both authorities have in the broadcasting and technical sector. A division of duties was also agreed to by both authorities in terms of which the Broadcasting Authority will specifically concentrate on programme content monitoring and licensing whilst the Malta Communications Authority will be regulating and licensing the technical aspect.

### 3.3 - PBS LTD.'s First Editorial Board Report

Following the publication of the first report of PBS Ltd.'s Editorial Board, the Authority issued a media release on 2<sup>nd</sup> February 2005 to note with satisfaction the proposal of the Editorial Board advocating a change of policy in the national broadcasting policy to the effect that the newsroom of PBS Ltd. should be capable of producing current affairs programmes itself. The Authority always insisted that the newsroom of the national station has a primary role to play in producing such programmes.

Whilst the Authority has no reservations on the farming out of such type of programmes by the public service broadcaster, it always maintained that PBS Ltd. ought to have a newsroom which distinguishes itself qualitatively not only in so far as factual objectivity is concerned but also in so far as its investigative role goes. It was for this reason that the Authority objected that the production of current affairs programmes was not included in the core public service obligations in the National Broadcasting Policy adopted in April 2004 by government.

The Broadcasting Authority hoped that the newsroom of PBS Ltd. finds the means to ensure that the production of current affairs programmes is placed on a sure and permanent footing and that this should not depend on Government approval. The Authority supported all the efforts of PBS Ltd. to strengthen its newsroom.





#### 4. PROGRAMME COMPLAINTS

In 2005, the Authority deliberated on the following complaints:

On 16<sup>th</sup> February 2005, the Authority decided not to take cognizance of a complaint made by Mr. Saviour Balzan against NET News and Radio 101, as this did not fall within the scope of Article 34 of the Broadcasting Act with regard to imbalance, unjust treatment or infringement of privacy rights.

On 3<sup>rd</sup> December 2004, Mr. Saviour Balzan had asked the Authority for a ruling regarding his complaint made to NET News and Radio 101 over the coverage of a statement made by *Malta Today* in reply to a previous statement from the Department of Information and broadcast on Net News and Radio 101. The Authority held that Mr. Balzan's complaint concerned a matter for a right of reply which was provided for by the Press Act and that such a complaint should therefore be brought before the Law Courts.

On 14<sup>th</sup> February 2005, the Malta Labour Party informed the Authority that it had written to PBS to protest about the news item and in particular the video material provided by PBS to cover the National Protest organized by the Malta Labour Party in its 8.00 p.m. news bulletin broadcast on 13<sup>th</sup> February 2005. The Authority also received a letter from Fr. Joe Borg, Chairman of the Editorial Board of PBS Ltd., denying insinuations in the Malta Labour Party media of any censorship or responsibility for such censorship and asking the Authority to conduct an independent investigation into the matter. The Authority held that it could not take cognizance of the complaint, in accordance with article 34 of the Broadcasting Act, before the proper procedure laid down by the Code for the Investigation and Determination of Complaints was adhered to.

On 8<sup>th</sup> February 2005, the National Commission for the Promotion of Equality for Men and Women wrote to complain that *Bank of Valletta Lifelink* advert was offensive and discriminatory in terms of articles 10(2) and 10(3) of the Act for the Promotion of Equality for Men and Women. The Authority issued a circular to all broadcasting stations to draw their attention to these provisions. However, Mamo TVC Advocates called upon the Authority to withdraw the circular in question, saying the Commission's decision regarding the advert was *ultra vires*. However, the Authority held that it was the Commission, and not the Authority, that decided that the advert should be withdrawn and that all the Authority did was to draw the broadcasting stations' attention to such a decision.

On 28<sup>th</sup> June 2005, Mr. Alfred Zammit from *Inflation Media Productions* wrote to complain that the presenter of the programme *Kollox Sibt* was falsely claiming that the Authority's audience research findings showed this programme to be the most popular. On investigating the content of





programmes broadcast on 18<sup>th</sup> and 28<sup>th</sup> June 2005, the Authority found that no such claims were made in either of these programmes, nor was any such information published in the survey report and the Authority decided to inform complainant accordingly.

On 3<sup>rd</sup> June 2005, the National Commission for the Promotion of Equality for Men and Women complained about sexual innuendos and the stereotypical portrayal of female characters in the teleseries *Il-Principal* broadcast on Super One TV. The Authority held that the Commission itself was empowered at law to take any necessary measures to remedy the situation and therefore decided not to take any action with regard to this complaint. The Authority further informed the Commission that it had drawn up a set of guidelines on the promotion of equality for men and women that it hoped to discuss and approve in the coming meetings.

On 16<sup>th</sup> August 2005, Mr. Enzo Guzman e-mailed the Authority to complain about objectionable lyrics in the record “Candy Shop by 50 Cent Feat Olivia” which was being broadcast on a number of stations. The Authority felt that any measures taken to prohibit the playing of such lyrics could prove counter-productive and decided not to take any action.



## 5. BROADCASTING LEGISLATION

### 5.1 - Amendment to the Broadcasting Act

By means of the Communication Laws (Amendment) Act, 2004 – Act No. VII of 2004 – the Broadcasting Act was amended in the sense that the duties hitherto carried out by the Department of Wireless Telegraphy were henceforth assumed by the Malta Communications Authority. This amendment to the Broadcasting Act was required due to the merger of the Department of Wireless Telegraphy with the Malta Communications Authority. Hence, the Broadcasting Authority's technical consultant is now the Malta Communications Authority.

### 5.2 - Transposition of the Injunctions Directive

The Prime Minister approved two subsidiary laws which are of relevance to broadcasting. These are:

- (a) Legal Notice 300 of 2005 entitled the Advertising, Sponsorship and Teleshopping (Protection of Consumers' Interest) (Television Broadcasting Injunction) Order, 2005; and
- (b) Legal Notice 302 of 2005 entitled the Administrative Penalty (Revision) Order, 2005.

The Prime Minister together with the Broadcasting Authority approved Legal Notice 301 of 2005 entitled the Broadcasting Act (Amendment of Fifth Schedule) Regulations, 2005.

All three legal notices came into force on 1<sup>st</sup> September 2005. In addition, Legal Notices 300 and 301 of 2005 apply only to television services and not to radio services whilst Legal Notice 302 of 2005 applies to both radio and television services.

#### Legal Notice 300 of 2005

This Legal Notice is intended to transpose into Maltese Law the provisions of European Union Directive 98/27/CE of the European Parliament and of the Council of 19<sup>th</sup> May 1998 on injunctions for the protection of consumers' interests in so far as this directive applies to those provisions on advertising, sponsorship and teleshopping contained in the Television Without Frontiers Directive.

In terms of this Legal Notice, the Broadcasting Authority has been empowered to issue a compliance order to ensure that no advert, sponsorship or teleshopping is broadcast which is in breach of the Television without Frontiers Directive. The text of this Legal Notice is found at Appendix I of this report.

#### Legal Notice 301 of 2005

This Legal Notice established the maximum penalty which the Broadcasting Authority may impose for an infringement of Legal Notice 300 of 2005. The maximum penalty has been established at



Lm15,000 and the minimum penalty at Lm10,000. The text of this Legal Notice is found at Appendix II of this report.

### **Legal Notice 302 of 2005**

In terms of Legal Notice 302 of 2005 the Prime Minister has revised the administrative penalty which the Broadcasting Authority may impose from Lm5,000 to Lm15,000. This penalty applies to any violations of the Broadcasting Act which need not necessarily be related to advertising, sponsorship or teleshopping infringements. The text of this Legal Notice is found at Appendix III of this report.

### **5.3 - Amendment to the Code for the Investigation and Determination of Complaints, 2005**

By means of Legal Notice 83 of 2005 published in the Government Gazette of 24<sup>th</sup> March 2005, the Code for the Investigation and Determination of Complaints was amended in order to establish a period of time within which a complainant has to request the Authority to appoint his/her complaint. Otherwise the Authority will declare the complaint abandoned and will not take further cognisance of such complaint. A copy of this Legal Notice is attached as Appendix IV to this Report.

### **5.4 - B.A. Directive on the Conduct of Competitions and the Award of Prizes on the Broadcasting Media**

On 20<sup>th</sup> June 2000, the Broadcasting Authority had approved the Guidelines on the Conduct of Competitions and the Award of Prizes on the Broadcasting Media.

These guidelines were upgraded to a Directive of the Broadcasting Authority in terms of Article 15 of the Broadcasting Act in the sense that they are now legally enforceable. This Directive came into force on 1<sup>st</sup> February 2005. The text of this Directive is reproduced in Appendix V to this Report.

### **5.5 - Addition to the Guidelines on Alcoholic Drink Advertising, Sponsorship and Teleshopping**

Following a request for clarification by a radio station concerning the above guidelines, the Broadcasting Authority revised its guidelines on Alcoholic Drink Advertising to extend the provisions of these guidelines to cases of teleshopping programmes of alcoholic drinks.

Moreover, the Authority decided to prohibit the use of the name of an alcoholic drink as the name of a sponsor before 9.00p.m. This brings these guidelines in line with the Authority's Family Viewing and Listening Policy.



These guidelines came into force with effect from 1st July 2005. A consolidated version of these guidelines is found in Appendix VI to this report.

#### 5.6 - Guidelines regarding Participation of Vulnerable Persons in Media Programmes

The Broadcasting Authority had originally approved the above guidelines on 25th January 2005. Since then the Authority has felt the need to update them.

Following submissions received from the Commissioner for Children, *Agenzija Appogg*, the Maltese Psychological Association and the Maltese Association of Social Workers, the Broadcasting Authority revised its Guidelines on the Portrayal of Vulnerable Persons in the Broadcasting Media. In doing so, the Authority has also taken note of PBS Ltd.'s Editorial Board Directive of 11th May 2005 on the same subject as well as the 15th June 2005 addendum of PBS Ltd.'s Editorial Board to the said Guidelines in so far as they apply to that station.

The final version of these guidelines is found in Appendix VII to this report.

#### 5.7 - Guidelines on the Reporting of News and the Production of Programmes on the Commission of Offences, their Investigation and Court Proceedings

The Broadcasting Authority approved a set of Guidelines on the Reporting of News and the Production of Programmes on the Commission of Offences, their Investigation and Court Proceedings. Essentially, they outline the general principles which should inspire broadcast journalists when reporting crime and how court proceedings should be covered by the broadcasting media throughout the whole criminal process, that is, prior to the actual institution of court proceedings when the case is still being investigated by the Police, when an alleged perpetrator of a crime has been identified by the Police but not yet arraigned in court, when the suspected person is arraigned before the competent criminal court, when the trial proper is conducted and sentence delivered, including any appellate proceedings which might ensue. The Guidelines also focus on the journalist's behaviour when dealing with vulnerable persons during the criminal process such as the portrayal by the broadcasting media of victims of crime, the next of kin to the victim of the offence or to the suspected or accused person, witnesses, and the parties to the criminal proceedings including their respective attorneys and the judiciary, in particular jurors.

Naturally, these guidelines are not of a binding nature. Nor are they cast in stone, as one would always have to consider the circumstances of each case. But at least they contribute to assist the journalist/broadcaster in arriving at a more informed decision when reporting crime. In appropriate



cases, the journalist/broadcaster would still need to seek legal advice and/or direction from his/her immediate supervisors or Editorial Board.

The text of these guidelines is found at Appendix VIII.

### 5.8 - Participation of Health Care Professionals in the Broadcasting Media

On 10th May 2005 the Broadcasting Authority received a letter circular from the Council for Professionals Complementary to Medicine concerning the issue of participation of health care professionals on the broadcasting media. This letter was circulated to all broadcasting stations and a copy of this letter is contained in Appendix IX to this Report.

### 5.9 - Draft Guidelines on Gender Equality and Gender Portrayal in the Media

The Broadcasting Authority approved a draft version of the Guidelines on Gender Equality and Gender Portrayal in the Media. These guidelines were the subject of a consultation process, and following feedback, the Authority redrafted these guidelines. At a later stage, it is envisaged that a seminar is held in order to discuss further the text of these guidelines so that eventually they can be approved by the Broadcasting Authority.

### 5.10 - Sponsorship

Following feedback from stations, the Authority adopted a guidance note on the interpretation of sponsored programmes as follows:

- (1) It is allowed to identify a sponsor both at the beginning and at the end of the programme.
- (2) It is allowed to identify a sponsor not only at the beginning and at the end of the programme but also when the programme is interrupted by advertising breaks. In terms of paragraph 13 of the Third Schedule, a period of at least 20 minutes must elapse between each successive advertising break within a programme. During such interruption of a programme it is allowed to identify a sponsor of a programme.
- (3) A segment (*rokna*) of a programme can be sponsored but mention of the segment's sponsor can take place only as stated in paragraph 2 above, that is, during one advertising break per segment.
- (4) It is allowed to sponsor the weather forecast and the financial news.
- (5) It is allowed to sponsor the reading of the time (*dan il-ħin ġie miġjub lilkom minn...*).
- (6) No programme promotion can be sponsored.
- (7) "Current affairs" for the purpose of paragraph 23 of the Third Schedule to the Broadcasting Act means a programme dealing with political or industrial controversy



or with current public policy. Sports discussion programmes are not considered as “current affairs”.

- (8) The sponsor of a programme may advertise within the same programme.
- (9) The producer of a programme may advertise within the same programme.
- (10) The sponsor of a one-minute information/educational slot may be identified only at the end of that slot.
- (11) Sports news (which follows the main news bulletin) can be sponsored.
- (12) The credits given in the news bulletin to those companies/persons who provide the newscasters’ clothes plus make-up do not constitute sponsorship and hence are allowed.
- (13) Cross-media sponsorship is permissible (that is, a radio station or an independent production house can sponsor a television programme or a television station can sponsor a radio programme).

The above clarifies the interpretation of the provisions of paragraph 20 to 23 of the Third Schedule to the Broadcasting Act which read as follows:

*“Sponsorship*

20. Sponsored programmes shall meet the following requirements:

- a) the content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes;
- b) they shall be clearly identified as such by the name or logo of the sponsor at the beginning or the end of the programmes;
- c) they shall not encourage the purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services.

*Prohibited Sponsorship*

21. Programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of cigarettes and other tobacco products.

22. Sponsorship of programmes by undertakings whose activities include the manufacture or sale of medicinal products and medicinal treatment may promote the name or the image of the undertaking but may not promote specific medicinal products or medical treatments available only on prescription.

23. News and current affairs programmes may not be sponsored.”

The provisions of this guidance note came into force on 1<sup>st</sup> July 2005.

Moreover, the Monitoring Department drew the attention of all broadcasters that it was becoming increasingly common for radio stations to use the brand names of products or trade names of sponsors to identify programmes and/or games within such programmes. This goes against sponsorship regulations in that it defeats completely the underlying principle of separation and distinction between programme content and sponsorship as clearly spelt out in such regulations.



A proper interpretation and application of sponsorship rules implies that sponsored programmes have to be clearly identified as such by the name of the sponsor at the beginning and/or end of the programme and where the programme is interrupted by advertising breaks, within such breaks, in this case respecting other prevailing regulations. In this respect the brand or trade name cannot form an intrinsic part of the name of the programme or game.

In view of this, station managers were requested to refrain from applying such practices and conform accordingly.

#### 5.11 - Crawls & Captions in Television Programmes

The Authority noted that certain crawls and captions in television programmes were unreadable by the viewer. To ensure that this does not happen, the Authority issued a directive in terms of Article 15 of the Broadcasting Act to all television stations to the effect that they should ensure that crawls and captions used in all television programmes are to be at least 3.3% of the television screen.

The television screen is divided in the first column into 24 lines whilst the percentage of the screen in relation to each line is found in the third column. Hence television stations should ensure that the wording of crawls and captions used (e.g. to announce product prices, cooling off period, cost of telephone call, etc.) should be at least 3.3% of the television screen.

It was subsequently noted by the Authority that crawls and captions in television programmes were not always easily readable not because of the font size used. as happened in the past. but because of the speed at which such crawls and captions travelled across the television screen.

Apart from being of the size indicated in the 19<sup>th</sup> January 2005 Directive on Crawls and Captions in Television Programmes, the Authority emphasised that the speed used for such crawls and captions must be such as to make them clearly legible. In fact, paragraph 1.2.5 of that Directive makes it quite clear that it is crucial that crawls are displayed for a sufficient length of time for viewers to read them. Where a voice-over is used, the person reading out a text should do so in such a way that the viewer can comprehend the exact meaning of such text and the voice-over is not read at such speed as to make it unintelligible to the viewer.

#### 5.12 - National Commission for the Promotion of Equality for Men and Women

The Authority has received a letter from the National Commission for the Promotion of Equality for Men and Women in terms of which the said Commission has concluded that according to article 10(2) of the Equality for Men and Women Act, Chapter 456 of the Laws of Malta, a particular advert produced for a local bank contravened the provisions of that article.





The attention of all broadcasters was drawn to the fact that in terms of article 10(3) of the said enactment, persons who act in breach of article 10(2) are guilty of an offence and on conviction are liable to the penalties established for contravention.

### 5.13 - Revision of the Broadcasting Code for the Protection of Minors

The Broadcasting Authority had approved the Broadcasting Code for the Protection of Minors in 2000. It had transmitted the Code to the Minister responsible for culture – who is the Minister responsible for broadcasting – who also approved it. The Code was published as a Legal Notice in 2000.

Since then the Authority has felt the need to revise this Code in order to provide further extensive protection to children. Following a paper drawn up by the Chief Executive on the subject, the Authority decided to get in touch with the newly appointed Commissioner for Children so that the Commissioner would assist in this matter. As a result of the ensuing fruitful discussion which took place, a sub-committee was set up between the Broadcasting Authority and the Commission for Children which during 2004 began discussing a strategy aimed at updating the said Code by focussing primarily on providing guidelines for good quality programmes for children.

For this purpose, a Round Table Conference was organised by the Broadcasting Authority and the Commissioner for Children on 24<sup>th</sup> October 2005 to discuss research carried out on local and foreign children's programmes and what focus groups participants thought how this sector would be developing. The Round Table Conference also discussed draft guidelines for Programme Content created for Children and a Strategy to be proposed for adoption by Government. It is envisaged to convene a conference in 2006 to further discuss both the said guidelines and strategy.



### 5.14 - Cooking Programmes

On 4<sup>th</sup> August 2005 the Authority decided to draw the attention of all broadcasters who produced cooking programmes to ensure that the basic hygiene standards were being met in such programmes. The Authority also emphasised the need to ensure that proper protective clothing was used by the chef and his or her assistants and that the basic sanitary implements were used.



## 6. BROADCASTING CASE LAW

During 2005, the following cases were determined by the Maltese Courts:

No.	DATE OF DECREE / JUDGEMENT	COURT REFERENCE No.	PARTIES	COURT	REMARKS
1.	29/4/05	Writ of Summons 961/02 GV	Public Broadcasting Services Ltd. vs Awtorità tax-Xandir	Civil Court, First Hall	Court decided in favour of the Broadcasting Authority. PBS appealed.
2.	3/6/05	Rikors Kostituzzjonali 754/2000	General Workers Union vs Awtorità tax-Xandir	Civil Court, First Hall (Constitutional jurisdiction)	Court decided in favour of the General Workers Union. BA appealed.
3.	7/10/05	Citazz Nru. 96/95GV	Prof. Joseph M. Pirota vs Joseph Grima pro et noe et	Civil Court, First Hall	Court decided in favour of BA ex-Chairman

### 6.1 - Public Broadcasting Services Ltd. vs Broadcasting Authority

On 29<sup>th</sup> April 2005, the Civil Court, First Hall, delivered a judgement in the case *Public Broadcasting Services Limited vs Awtorità tax-Xandir*. PBS claimed in its writ of summons that the Authority had violated the provisions of the Constitution concerning a fair hearing in its dealings with the company. The court was also requested to declare that the Authority had not acted in a correct administrative manner in so far as PBS was concerned.

In its judgement the court pointed out that it resulted that PBS's writ was a mixed action as it requested a judicial review of a decision taken by the Authority as well as a constitutional remedy in the sense that the Court was asked to declare that the Authority had violated PBS's fundamental human right to a fair hearing. The Civil Court noted that case law had indicated that the civil courts always had jurisdiction except when such jurisdiction was removed by law. As a general rule, if the ordinary courts could grant an effective remedy then there was no need for extraordinary procedures to be filed. In this case the court declared that it would restrict this case to a judicial review of the workings of the Authority.

PBS declared that in June 2002 the Authority's Chief Executive had issued a charge against the company on the issue of Malta Labour Party spots broadcast on TVM. PBS was informed that it could contest this charge in a sitting held by the Authority later that month. PBS had replied to the Authority informing it that there was already a court case pending on the issue of these spots. It submitted that the matter ought to be left pending until a court ruling was obtained.

PBS had attended the sitting and had presented its defence. After this sitting the case was decided upon by the Authority and the court delivered judgement against PBS. The Civil Court, First Hall, observed that when the Authority had delivered its decision, it was fulfilling its





constitutional function. Furthermore, the court dismissed PBS's allegation that the Authority had not offered sufficient guarantees of independence and impartiality in the proceedings. The company had claimed that the Authority had formulated the charge against it, had proceeded against PBS and had decided the charge against PBS. However, the Authority claimed that it had not made any appraisal of guilt of PBS, but had directed its chief executive to proceed in terms of the Broadcasting Act.

The presiding judge held that from the evidence produced it did not result that the Authority had decided upon the case before giving PBS the opportunity to defend itself. Thus, the Civil Court concluded that the Authority had not violated PBS's rights. PBS Ltd. has appealed the judgement.

## 6.2 - General Workers Union vs Broadcasting Authority

On 3<sup>rd</sup> June 2005 the Civil Court, First Hall, sitting in its constitutional competence decided a case in the names *Tony Zarb u James Persall, Segretarju Ġenerali u President tal-General Workers Union in rapprezentanza tagħha vs l-Awtorità tax-Xandir*. The Civil Court, First Hall, upheld a constitutional application filed by the General Workers Union and concluded that the Broadcasting Authority violated the Union's fundamental human right to freedom of expression when it banned the Union from broadcasting a political spot on television.

The constitutional application was filed by Tony Zarb and James Persall, on behalf of the GWU, against the Authority. The Union claimed that its fundamental human right to freedom of expression had been violated following a decision taken by the Authority banning the union from broadcasting a political spot on TV. The ban, claimed the Union, was not reasonably justified in a democratic society, and it requested the court to declare that the ban issued by the Authority was in violation of its fundamental human rights and to provide it with a remedy. On its part, the Authority pleaded that it had not violated the Union's rights and that the prohibition was necessary in the interests of guaranteeing that all sides to the controversy aired their views.

The First Hall of the Civil Court heard that on 17<sup>th</sup> August 2000, the Authority had declared that, in terms of the Third Schedule to the Broadcasting Act, advertising could not be of a political nature and that it was only the Authority which could organise a scheme of political broadcasts. The Authority had found the text of the Union's advert to be political in nature and decided that it could not be broadcast. According to the Authority, the Broadcasting Act provided that in order for a political spot to be broadcast, the Authority had to organise a schedule of political broadcasts and the Union could apply to the Authority for inclusion therein.

The Court declared that it was in no doubt that the advert in question was of a political nature. The advert referred to social justice and indicated that there were some persons who were living comfortably while others were carrying all the burden alone. The advert reflected on the workings

of the government of the day. It had been broadcast a few times on two private television stations and had then been prohibited by the Authority. However, it was not reasonable, said the Court, that for a political advert to be aired, the advertiser had first to request the Authority to organise a schedule of political programmes. In effect the Authority could always refuse to organise such a schedule.

The Authority, said the Court, was bound to ensure balance in controversial matters of a political or industrial nature. However this was not to be ensured by banning the broadcasting of adverts such as the one in issue. The individual's right to freedom of expression had also to be respected, and there ought to be regulations to ensure such a balance was maintained.

The Court queried what the significance of the laws quoted by the Authority was, when nowadays there was liberalisation in broadcasting. The major political parties had their own television and radio stations and broadcast their own news programmes. These programmes certainly contained political content. It could be the case that the political parties' stations were balancing each other.

The GWU, said the court, was entitled to express its opinions even where these contained political elements. The Union was therefore entitled to broadcast adverts and to provide information of its opinions without interference from a public authority. The Authority was therefore not justified in prohibiting the advert in issue, for there was nothing in the advert that was justifiable in a democratic society. The Court therefore upheld the Union's application and declared that the GWU's fundamental human right to freedom of expression had been violated.

The Authority has appealed the judgement.

### 6.3 - Professor Joseph Pirotta vs Joseph Grima pro et noe et

On 7<sup>th</sup> October 2005, the Civil Court, First Hall, decided a libel suit in the names *Dr Joseph M. Pirotta vs Joseph Grima sew propju kif ukoll bħala direttur għan-nom u in rapprezentanza ta' Grima Communications Ltd. u Dr Emy Bezzina*. The First Hall of the Civil Court awarded Broadcasting Authority ex-Chairman Professor Joseph M. Pirotta Lm1,050 damages after he had been libelled during a radio programme aired in 1994. Prof. Pirotta had sued Joseph Grima, in his personal capacity and on behalf of Grima Communications Ltd., and lawyer Dr Emmy Bezzina.

Prof. Pirotta claimed he had been defamed in the course of a discussion programme *Il-Parlament tal-Poplu* (The People's Parliament) aired on Live FM on 7<sup>th</sup> October 1994. He submitted that Mr Grima and Dr Bezzina had commented unfavourably about his behaviour. In particular, Prof. Pirotta said they had alleged he was not impartial, nor was he acting correctly in his role as chairman of the Broadcasting Authority.



Among other statements, Mr Grima had alleged that Prof. Pirotta was stupid and childish (“vavu”) and that he was personally going to avenge himself on plaintiff. Both defendants had alleged that Prof. Pirotta had acted in a discriminatory manner and that he had treated the Malta Labour Party differently. Furthermore, Mr Grima had alleged that Prof. Pirotta did whatever the Prime Minister told him to do, Prof. Pirotta submitted.

Mr Grima pleaded that he was participating in a radio discussion in which he had expressed his personal opinion on a subject that was in the public interest, namely the granting of the first television licence to a political party. He further submitted that Prof. Pirotta was occupying an official post according to the Constitution and that therefore he was subject to public scrutiny and comment.

In its judgement, the Civil Court, First Hall, declared that every person was at liberty to express his own opinion and even to pass judgments on third parties. However, such freedom of expression could never be utilised to attack the reputation and honour of a third party especially when the allegations made were unfounded. The Court added that in the discussion Mr Grima had declared that Prof. Pirotta had not been independent in his actions as chairman and did whatever the Prime Minister told him to do.

The Court was of the opinion that it was libellous to allege that a public officer was the servant and lapdog of a political party. It was also libellous to allege that such officer was an accomplice to a crime.

When examining Mr Grima’s allegation of discrimination the Court had to determine solely whether discrimination was objectively apparent. In this case it resulted that when the MLP had applied for a television licence it had been awarded such a licence as it satisfied all the requirements of the Authority. The Court was satisfied that there was no discrimination on the part of the Authority against Grima Communications. It resulted that Grima Communications had not satisfied the conditions imposed by the Authority for the licence.

The Court noted that Dr Bezzina had not entered any evidence in this case. Defendant had declared in the course of the proceedings that he knew Prof. Pirotta to be a serious man and a man of integrity. Dr Bezzina added that he knew that the professor had always managed the Broadcasting Authority in a scrupulous manner and that he had no intention of diminishing his reputation. In the light of this declaration Dr Bezzina was ordered to pay Prof Pirotta Lm50 damages. The Court further ordered Dr Bezzina to publish, at his own expense, this declaration in one English language newspaper and in one Maltese language newspaper.

Mr Grima was ordered to pay Prof Pirotta Lm1,000 damages. Mr Joseph Grima lodged an appeal from the Civil Court’s judgement.



## 7. INTERNATIONAL RELATIONS

### 7.1 - Mediterranean Network of Regulatory Authorities

The seventh Meeting of the Mediterranean Network of Regulatory Authorities took place in Paris, France, on 11th and 12th July 2005, under the presidency of Mr Dominique Baudis, Chairman of the French *Conseil Supérieur de l'Audiovisuel*. Dr Kevin Aquilina, Chief Executive of the Broadcasting Authority attended the meeting.

During the Paris meeting, the Mediterranean Network accepted membership applications from the Second Authority for Radio and Television of Israel and the High Authority of Audiovisual Communications of Morocco. The other members of the Network are broadcasting regulatory authorities of Albania, Catalonia, Cyprus, France, Greece, Israel, Italy, Malta, Portugal and Turkey. Apart from the participation of these authorities, representatives of the audiovisual regulators from Algeria, Egypt, Jordan, Libya, Tunisia and the Palestinian Authority were invited to attend.

Topics discussed during the meeting included the functioning of the Mediterranean Network, the regulation of audiovisual services in the era of convergence and new technologies and freedom of communication and programme monitoring.

The Mediterranean Network of Regulatory Authorities was established on 29<sup>th</sup> November 1997 in Barcelona and it provides a platform for discussion and exchange of information and research on issues regarding broadcasting regulation. Its mission statement is to reinforce cultural and historical links between Mediterranean countries and identify common challenges against the backdrop of globalization.

The Secretariat of the Network is provided by the French *Conseil Supérieur de l'Audiovisuel* in association with the Catalonia Broadcasting Council and the Cyprus Radio Television Authority.

### 7.2 - European Platform of Regulatory Authorities

On 12<sup>th</sup> and 13<sup>th</sup> May 2005 the Chief Executive of the Broadcasting Authority, Dr Kevin Aquilina, participated in the 21<sup>st</sup> Meeting of the European Platform of Regulatory Authorities held in Sarajevo, Bosnia and Herzegovina.

During this meeting EPRA celebrated its tenth anniversary. For this occasion, ex-Broadcasting Authority Chairman, Professor Joseph M. Pirotta was invited as an EPRA founding father to present a keynote address on past regulatory challenges. This meeting discussed current trends in the regulation of public service broadcasting, current issues of concern about broadcasting on





new media platforms, control of programmes inciting to racial hatred as well as the latest developments in the audiovisual sector in the European Commission and the Council of Europe.

The Authority also participated during the 22nd Meeting of the European Platform of Regulatory Authorities held in Budapest, Hungary. The Chief Executive participated in all sessions of the conference. Items discussed during this meeting included state aid for public service broadcasters, interpreting the Television without Frontiers Directive and new developments in the Directive's review with regard to sponsorship and product placement, methods of programme monitoring and the new European legal framework for broadcasting.

The European Platform of Regulatory Authorities which now comprises 49 regulatory authorities from 39 countries in Europe was set up in Malta in 1995 and provides an open platform for discussion and exchange of views on a wide variety of relevant topics to regulators.

During 2005 the Authority answered numerous requests for such exchanges of information from regulatory bodies in member countries in the form of questionnaires about common issues relating to the interpretation and application of broadcasting legislation at national and European level and other subjects pertaining to local broadcasting matters and current broadcasting policy in Malta.

The several questionnaires on a vast range of topics which the Authority answered included those from the Cyprus Radio-Television Authority on certain advertisements, the UK office of Communications on sex material on cable and satellite television, the French *Conseil Supérieur de l'Audiovisuel* on the monitoring of broadcasts containing incitement to hatred on grounds of race, sex, religion or nationality, the Communications Regulatory Agency of Bosnia and Herzegovina on the Interpretation of freedom of reception and retransmission in the European Transfrontier Television Convention, the Slovenian Television Broadcasting Council on the structure of the national television service, the Norwegian Media Authority concerning digital audio broadcasting, the National Broadcasting Council of Poland on local, community and social broadcasting, the Broadcasting Council of the Republic of Macedonia on ethical issues and on internal administrative organisation and the UK Office of Communications on cross promotion.

### 7.3 - The Commonwealth Broadcasting Association

The Commonwealth Broadcasting Association (CBA) is funded by subscription from members of the major public service broadcasters of the Commonwealth. The main objectives of the CBA are as follows:

- to secure funds for training in developing Commonwealth countries for management and broadcasting skills.
- to foster freedom of expression and the right to communicate.

- to extend the Association's database about members.
- to further the concept of public service broadcasting.
- to provide a point of contact and a forum for discussion.

Full membership is open to radio and television stations both public and private within the Commonwealth. Also, affiliate membership is open to radio and television stations, and any broadcast related organisation in any country. Existing members include most major public radio and television stations (some private). Membership is not open to individuals. The CBA has about 100 members in over 50 countries. The Broadcasting Authority is a full member of the Commonwealth Broadcasting Association. PBS Ltd. is also a CBA Member.

The Commonwealth Broadcasting Association once again organised a Commonwealth Short Story Competition for 2005. The Commonwealth Short Story Competition, which began in 1996, is funded by the Commonwealth Foundation and administered by the Commonwealth Broadcasting Association.

The aim of the competition, open to all Commonwealth citizens, is to promote the Commonwealth through broadcasting high quality short stories submitted by amateurs or professionals of all ages. The purpose of the Commonwealth Foundation is to strengthen the People's Commonwealth because people-to-people links constitute a unique characteristic of the association.

Preeta Krishna from India was the overall winner of the 2005 Commonwealth Short Story Competition for her story "Treason" – the moving story of a child and the loss of innocence.

She was joined by twenty-five outstanding writers from across the Commonwealth to be recognised by the 2005-6 competition. The winners were from Malta, Hong Kong, Jamaica, Pakistan, Trinidad and Tobago, South Africa, Nigeria, Australia, New Zealand, Canada, the United Kingdom, Cyprus and two others from India.

The winner from Malta was Anna-Maria Buhagiar who occupies the post of Personal Secretary to the Chief Executive of the Broadcasting Authority. She has always had a passion for the English language and is particularly fond of the subtle kind of humour so typically British. Her love for music inspired her to write "Rhapsody of a Secretary".

The judges were writer and academic Professor David Dabydeen, Sarah LeFanu, broadcaster and Art Director of the Bath Literature Festival and Shrabani Basu who is a writer and journalist.



The 26 winning stories have been recorded on to CD and distributed to broadcasting stations around the Commonwealth. The CD's are available for sale from the CBA website [www.cba.org.uk](http://www.cba.org.uk).

#### 7.4 - The European Institute for the Media

The European Institute for the Media (EIM) gives expression to the growing interdependence of European countries in the field of communications.

The EIM's main areas of research are the impact of convergence on the media, cross-border developments in the media and their role in the process of European integration; the public interest aspects of (new) media developments and the growth of the Information Society.

With effect from 1st January 2006 the Broadcasting Authority is no longer a member of the European Institute for the Media so that the Authority could concentrate better on its membership of the Mediterranean Network of Media Regulatory Authorities and the European Platform of Regulatory Authorities which are more pertinent to its functions of a broadcast regulator.





## 8. GHARGHUR TRANSMITTING TOWER

The Authority continued to maintain a Transmission Tower at Gharghur for both nationwide radio and television services as well as for use by other communications networks. During 2005 the Authority concluded maintenance works on the building structure at the Gharghur transmission site and was also involved in the installation of antennae on the tower which serviced the Commonwealth Heads of Government Meeting which took place between the 25th and 27th November 2005.

During 2004 the Authority continued with the maintenance on the tower structure which is expected to be finalised by early 2006. The Authority has also installed in 2005 a new security system at the new Gharghur Tower and this was commissioned and is now operational. Negotiations were also underway for enabling Go Mobile to install their broadcasting apparatus on the transmitting tower. These negotiations in fact were concluded in January 2005 and the relative equipment is operational.

### 8.1 - New Security Procedure at the Gharghur Transmitting Tower

Arrangements were made with regard to access to the Gharghur transmitting tower after office hours. With effect from Monday, 14th February 2005 the Gharghur tower became accessible between 8.00a.m. and 8.00p.m. Access after working hours is now provided by phoning the contractor and making a request for access thereto. Any costs incurred for access after office hours to the Tower including the rooms situated within the complex are at the expense of the authorised person requesting access thereto.



## 9. RADIO AND TELEVISION AUDIENCES IN MALTA

For the purposes of article 30(2) of the Broadcasting Act 1991, the Broadcasting Authority is presenting the abridged results of the Continuous Audience Assessment started on 1<sup>st</sup> June 2004 for the period April-June 2005. Following June 2005, data collection was suspended in order to enable the Authority to assess the format of the audience survey.

Audience data collection was on a daily basis through telephone interviews that were representative of the whole population.

### 9.1 - Sample Profile

The sampling methodology used gave the following sample profile which followed closely the figures for the resident population in Malta and Gozo:

**TABLE 9.1: SAMPLE PROFILE BY GENDER AND EDUCATIONAL LEVEL**

AGE GROUP	TOTAL		GENDER			
			MALE		FEMALE	
	N	%	N	%	N	%
12-29	105	26.6%	41	24.3%	64	28.4%
30-49	137	34.8%	63	37.3%	74	32.9%
50+	152	38.6%	65	38.5%	87	38.7%
Total	394	100.0%	169	100.0%	225	100.0%

### 9.2 - Listening and Viewing Patterns

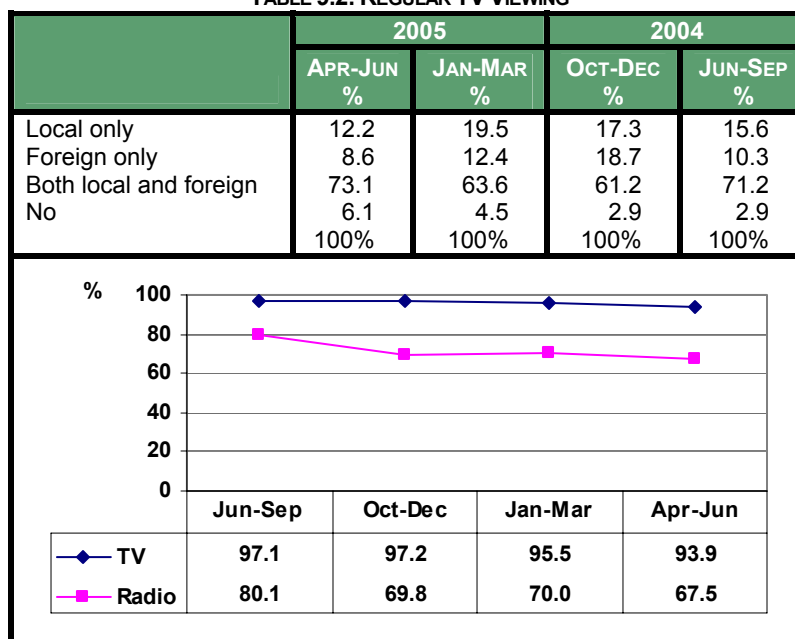
Regular Radio listening during the period April to June reached 67.5% [1<sup>st</sup> Qtr. 2005 - 70.0%]. While 54.6% listen to local radio stations only [1<sup>st</sup> Qtr. 2005 - 58.6%], 12.4% listen to both local and foreign radio stations [1<sup>st</sup> Qtr. 2005 - 11.4%]; and the remaining 32.5% stated that they do not listen to radio [1<sup>st</sup> Qtr. 2005 - 30.4%].

Overall radio listening at 67.5% was the lowest for the quarters considered under the continuous audience assessment [January-March 2005 - 70.0%; October-December 2004 - 69.8%; June-September 2004 - 80.1%].

Regular television viewing reached 93.9% [1<sup>st</sup> Qtr. 2005 - 95.5%] with 6.1% [1<sup>st</sup> Qtr. 2005 - 4.5%] stating that they never watch TV – a decrease in regular television viewing of 1.6% over the previous period. Those who watch “local television only” [-7.3%] and “foreign broadcasts only” [-3.8%] have decreased over the previous period while those watching “both local and foreign stations” have increased by as much as 9.5%.



TABLE 9.2: REGULAR TV VIEWING



Like regular radio listening, TV viewing for this period was the lowest for the quarters considered under the present system of audience assessment. The overall consumption of broadcast media on both mediums seems to follow each other and not replace each medium with the change in seasons. However, the changes in radio listening are more distinct than those for television viewing.

### 9.3 - Programme Preferences

Radio and television programmes were categorised in ten and fourteen different types of programmes respectively and respondents were asked which programmes they preferred to listen/view on their broadcasting media.

During this period the preference for radio programmes did not maintain the previous rankings although when grouped the same broad categories were maintained with “news/current affairs” and “musical programmes” maintaining the first positions while “children’s programmes” and “business programmes” retaining the last positions. Of noticeable change in ranking was that for “news/current affairs” [-4.8%]; “musical programmes” [+4.2%]; “religious programmes” [-5.0%]; “novels/drama” [-6.3%]; and “business programmes” [+5.1%] over the previous period – see table 9.3.1 below.



**TABLE 9.3.1 – RADIO PROGRAMME PREFERENCES**

Programme Sector	Apr-Jun 2005		Jan-Mar 2005		Oct-Dec 2004		Jun-Sep 2004	
	%		%		%		%	
News / Current Affairs	79.9	2	84.7	1	90.0	1	87.9	1
Musical Programmes	84.1	1	79.9	2	82.8	2	85.8	2
Health, Beauty etc	61.7	3	60.9	3	68.0	3	68.2	3
Religious	51.1	5	56.5	4	56.0	4	59.0	4
Discussions	56.4	4	54.4	5	56.0	5	52.9	5
Cultural	48.1	6	47.6	6	51.9	6	50.6	6
Novels / Drama	41.3	7	47.6	7	42.6	7	42.8	7
Sports	36.4	8	36.1	8	36.1	8	39.4	8
Children Programmes	25.4	10	27.9	9	29.2	9	34.8	9
Businesses	26.9	9	21.8	10	15.8	10	19.0	10

For programmes broadcast on television, the preferences by programme types for “news/current affairs”, “weather” and “plays/drama” retained their rankings throughout the whole period from June 2004 to June 2005. The largest changes in preferences were in “serials and soap operas” [+6.5%]; sports [-4.9%]; “weather” [-4.1%] and “investment/business” [-3.6%] – see table 9.3.2 below.

**TABLE 9.3.2 TV PROGRAMME PREFERENCES**

Programme Sector	Apr-Jun 2005		Jan-Mar 2005		Oct-Dec 2004		Jun-Sep 2004	
	%		%		%		%	
News/Current Affairs	86.3	1	88.8	1	88.4	1	91	1
Weather	80.7	2	84.8	2	87.5	2	84.1	2
Plays / drama	72.0	3	75.4	3	78.3	3	76	3
Discussions	67.9	4	71.1	4	77.4	4	69.7	4
Serials and Soap Operas	65.2	5	58.7	5	58.4	6	52.8	9
House Programmes	56.5	6	55.9	6	57.5	7	58	6
Documentary	51.8	7	53.6	7	62.1	5	61.8	5
Quizzes	49.7	8	53.0	8	56.3	8	55.9	7
Arts / Culture	45.5	9	47.6	9	53.5	9	50.1	10
Music	39.9	10	39.8	12	38.5	13	49.1	11
Films	38.4	11	40.7	11	49.2	10	55.5	8
Sports	38.1	12	43.0	10	40.4	11	45.5	12
Children Programmes	34.5	13	35.0	13	40.1	12	42.8	13
Investment / Businesses	25.6	14	29.2	14	24.5	14	22.3	14

#### 9.4 - Radio Listening and Television Viewing [Counts of “10 minutes”]

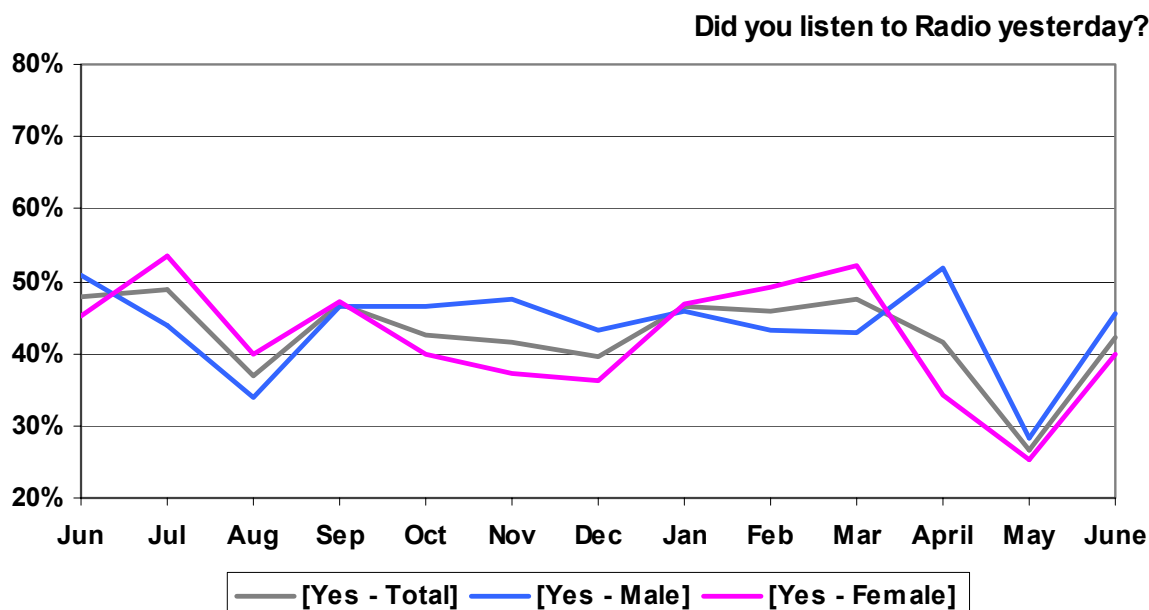
Respondents were also requested to state whether they had utilised any broadcasting services the day prior to the interview, for how many hours, which time bracket, and which station they had listened/viewed for at least ten minutes.

Radio listening has decreased over the previous quarter by 9.9% - only 36.8% of all respondents stated that they had listened to radio the day before the interview. While those who listened to radio for “one hour or less” has increased by 3.2% to 37.9%, those who listen to radio for four hours or more has dropped by 6.1% to 25.5%. Analysing radio listening by month for the whole period of June 2004 to June 2005, males exceed females in radio listening by 23.3%. While males exceed females in October/December 2004 and April/June, females exceed males in January/March and in July/August – see table 9.4.1 below.



TABLE 9.4.1 – RADIO LISTENING BY GENDER AND BY MONTH [JUNE 2004 – JUNE 2005]

DID YOU LISTEN TO RADIO YESTERDAY?	2004							2005						TOTAL %
	JUN %	JUL %	AUG %	SEP %	OCT %	NOV %	DEC %	JAN %	FEB %	MAR %	APRIL %	MAY %	JUNE %	
Yes - Total <i>Ranking</i>	47.7 [2]	48.9 [1]	37.0 [12]	46.9 [4]	42.7 [7]	41.6 [9]	39.4 [11]	46.4 [5]	46.0 [6]	47.6 [3]	41.4 [10]	26.7 [13]	42.2 [8]	
Yes – Male	50.9	43.8	33.8	46.6	46.6	47.5	43.3	45.8	43.3	42.9	51.9	28.3	45.6	570.2
Yes – Female	45.3	53.5	40.0	47.2	40.0	37.2	36.4	46.8	49.1	52.0	34.2	25.4	39.7	546.9
<b>Males &gt; Females</b>	<b>5.5</b>				<b>6.6</b>	<b>10.3</b>	<b>7.0</b>				<b>17.7</b>	<b>3.0</b>	<b>5.9</b>	<b>55.9</b>
<b>Females &gt; Males</b>		<b>9.8</b>	<b>6.2</b>	<b>0.6</b>				<b>1.0</b>	<b>5.8</b>	<b>9.1</b>				<b>32.6</b>



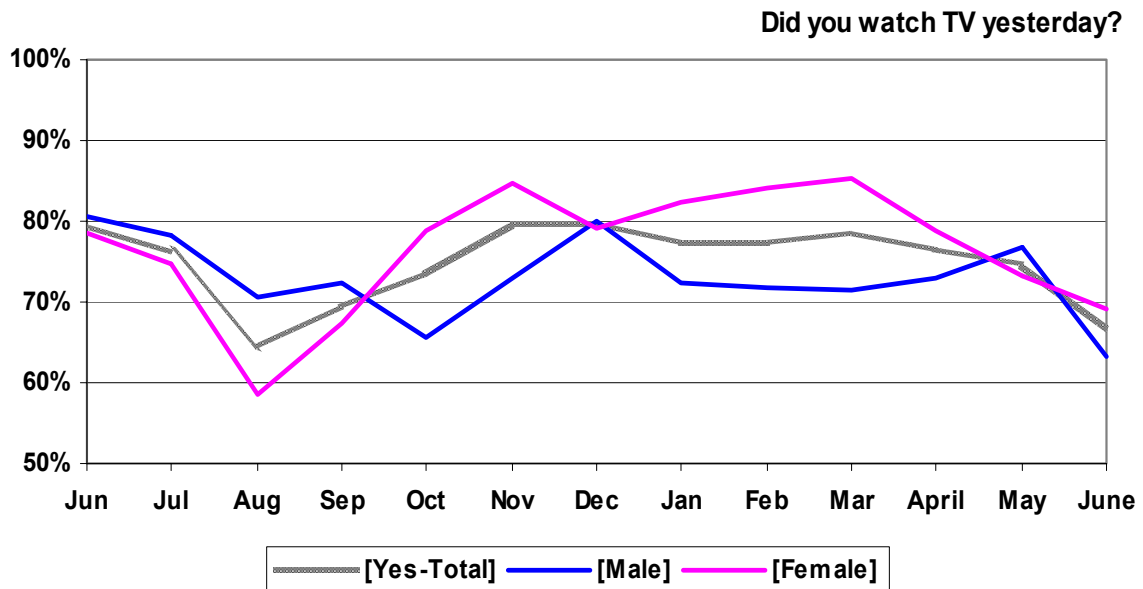
Television viewing, on the other hand, was slightly lower than that of the previous quarter at 72.6% but maintained the same levels [January-March 2005 - 77.9%; June-September 2004 – 77.5%; October-December 2004 – 72.2%]. Viewing was highest among those who had “primary” educational level [77.2%] while pensioners [80.0%] held the highest ranking when analysed by economical basis.

Overall, females watch television more than men [average TV viewing: Females – 76.66%; Males – 72.96%]. Males exceeded females during June 2004 to September 2004, December 2004, and in May 2005; with the largest discrepancy in August 2004 [Males – 70.6%; Females – 58.6%]. Females surpass Males in TV viewing for the rest of the months and this exceeds far more than the reverse [Males – 26.7%; Females 73.5%] – see Table 9.4.2 below:



FIGURE 9.4.2: REGULAR TV VIEWING BY TOTAL, BY GENDER AND BY MONTH

DID YOU WATCH TV YESTERDAY?	JUN %	JUL %	AUG %	SEP %	OCT %	NOV %	DEC %	JAN %	FEB %	MAR %	APRIL %	MAY %	JUNE %	TOTAL %
Yes-Total	79.5	76.3	64.5	69.4	73.4	79.6	79.6	77.5	77.4	78.6	76.6	74.8	66.7	
Male	80.7	78.1	70.6	72.4	65.5	72.9	80.0	72.2	71.6	71.4	73.1	76.7	63.2	948.4
Female	78.7	74.6	58.6	67.4	78.8	84.6	79.2	82.3	84.2	85.3	78.9	73.2	69.2	995.2
Males > Females	2.0	3.5	12.0	5.00			0.8					3.4		26.7
Females > Males					13.3	11.7		10.1	12.6	13.9	5.9		6.17	73.5



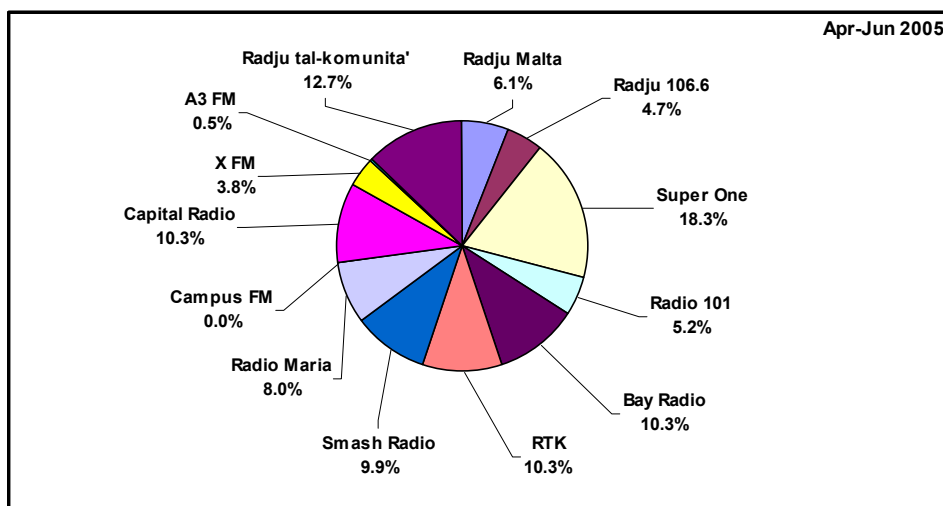
### 9.5 - Favourite Radio and Television Station

Respondents taking part were asked to state their preferred radio and television broadcasting station. Of all those who listen to radio, 18.9% stated that they do not have a particular preferred radio station.

Super One Radio [18.3%] is the most preferred station, followed by Bay Radio and RTK and Capital Radio [10.3%] – see figure 9.5.1 below. Favourite radio station varied by district: Super One Radio was given first preference in four districts [Southern Harbour, Northern Harbour, South Eastern and Western]. Bay Radio got a first preference in the Northern District and RTK a second preference in the Northern Harbour area. Capital Radio got a second preference in South Eastern.

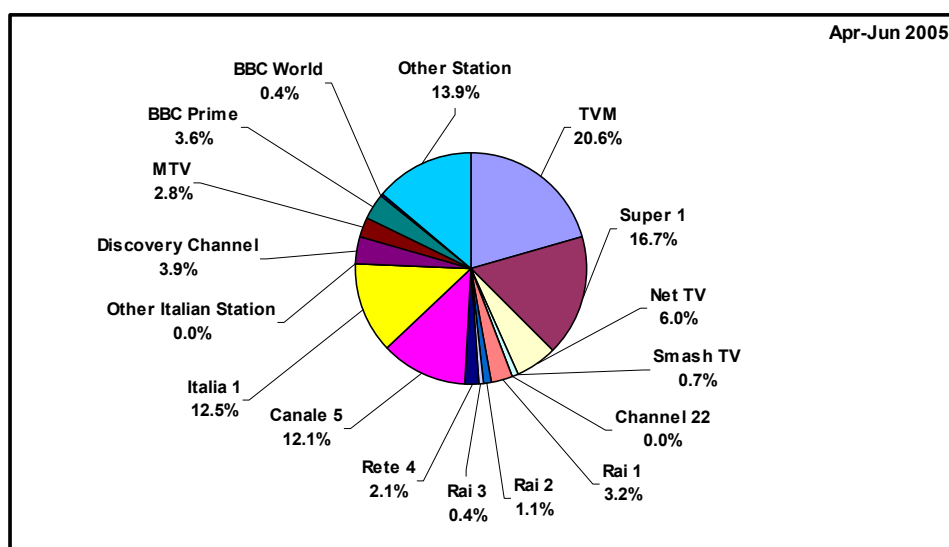


**FIGURE 9.5.1: FAVOURITE RADIO STATION**



With regard to preferred TV station, of all those interviewed, 24.1% stated that they do not have any particular preferred station. During this period, Education 22 was listed as a separate station during the interviewing process. TVM [20.6] is the most preferred station, followed by Super One TV [16.7%], Italia 1 [12.5%] and Canale 5 [12.1%] – see Figure 9.5.2 below.

**FIGURE 9.5.2: FAVOURITE TELEVISION STATION**



TVM ranked as the most favourite station in three districts [Northern District, Northern Harbour and Gozo & Comino], and second in another two [Southern Harbour and South Eastern]. Super One TV ranked first in the Southern Harbour, second in another two district [Western and Gozo & Comino] and third in another two district [Northern District and Northern Harbour].



### 9.6 - Radio Broadcasting [Counts of "10 minutes"]

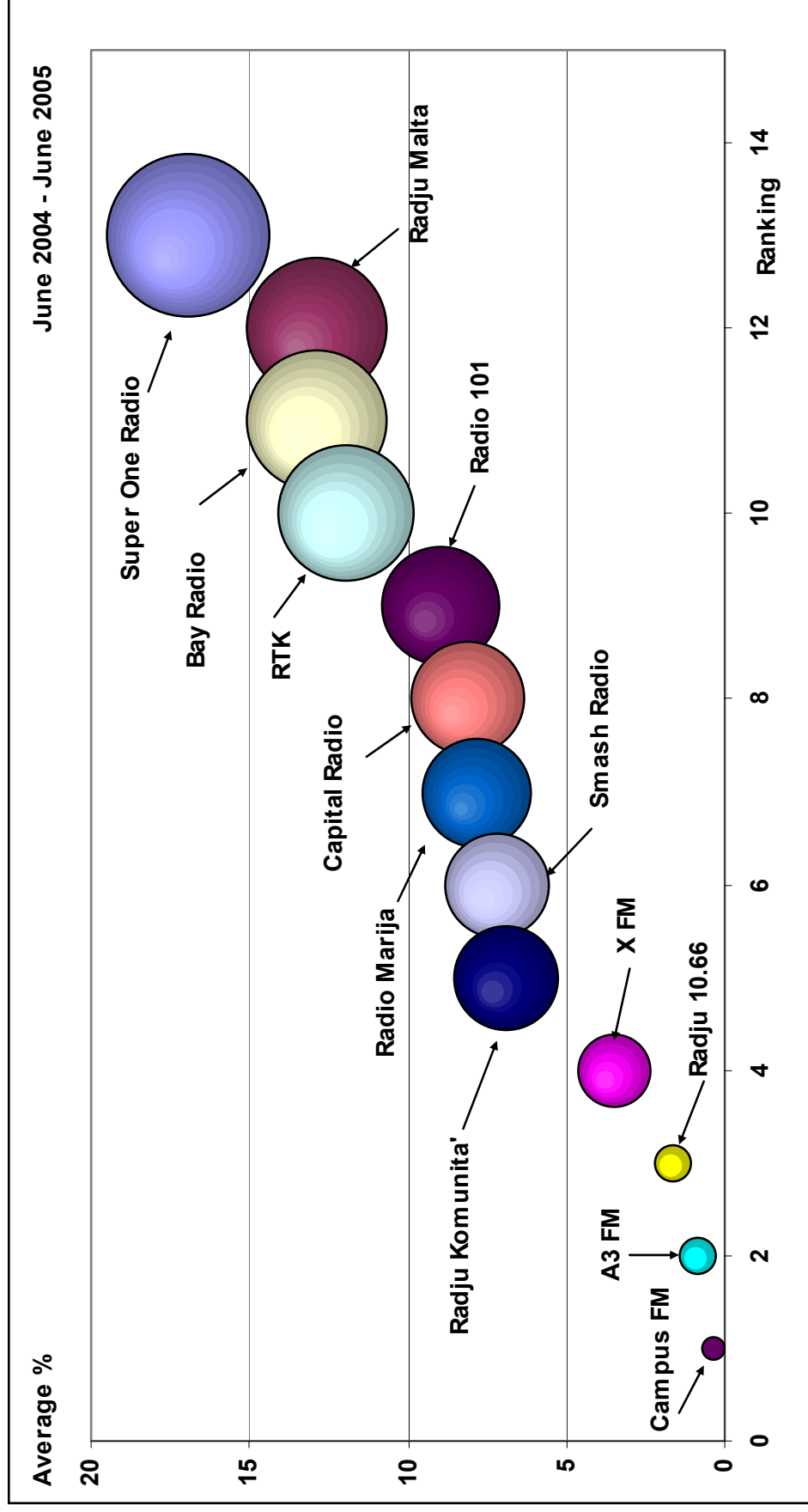
Analysing the data collected during the period June 2004 to June 2005, it is quite clear that the radio broadcasting industry is characterised by a few who have always maintained a leading position. Overall, the average ranking of all broadcasting stations results in four main blocks: a leader with an average of 16.96%; a second group of three radio broadcasting stations whose range is from 11.98% to 12.87%; a third group of five stations with a range of 6.89% to 9.0% and which includes the community radio stations; and a fourth group of four stations ranging from 0.35% to 3.50% - see table and figure 9.6.3 below:

**TABLE 9.6.3: RADIO STATION LISTENING BY RANKING, BY AVERAGE, AND BY TOTAL AUDIENCE**

TABLE SHOWING RADIO STATIONS' RANKING BY LISTENERS' PREFERENCE																											
2004														2005													
JUN		JUL		AUG		SEP		OCT		NOV		DEC		JAN		FEB		MAR		APRIL		MAY		JUNE			
%		%		%		%		%		%		%		%		%		%		%		%		%			
14.10	3	15.07	3	12.07	3	10.87	2	9.33	4	11.29	3	12.33	4	15.73	1	11.69	5	20.93	1	9.38	4	12.20	5	12.33	3		
0.00	11	2.74	10	1.72	11	3.26	11	1.33	11	1.61	11	0.00	11	3.37	10	3.90	9	0.00	12	3.13	12	0.00	12	0.00	12		
17.95	1	17.81	1	22.41	1	9.78	3	17.33	1	22.58	1	19.18	1	13.48	2	14.29	2	17.44	2	17.19	1	14.63	2	16.44	1		
11.54	4	16.44	2	6.90	6	8.70	5	9.33	5	9.68	5	5.48	8	6.74	7	12.99	4	8.14	5	9.38	5	4.88	8	6.85	9		
11.54	5	5.48	8	17.24	2	17.39	1	16.00	2	17.74	2	16.44	2	12.36	4	12.99	3	6.98	8	12.50	2	12.20	4	8.22	7		
15.38	2	6.85	6	6.90	7	9.78	4	12.00	3	9.68	4	13.70	3	11.24	6	16.88	1	11.63	3	10.94	3	17.07	1	13.70	2		
7.69	7	10.96	4	10.34	4	7.61	7	9.33	6	3.23	9	9.59	6	4.49	8	1.30	11	9.30	4	6.25	8	4.88	9	8.22	8		
3.85	9	6.85	7	6.90	8	8.70	6	2.67	10	6.45	8	9.59	5	13.48	3	9.09	6	8.14	6	7.81	6	7.32	7	10.96	5		
0.00	12	0.00	13	0.00	13	3.26	12	0.00	13	0.00	13	0.00	13	0.00	13	1.30	13	0.00	13	0.00	13	0.00	13	0.00	13		
7.69	8	9.59	5	8.62	5	7.61	8	8.00	7	8.06	6	6.85	7	12.36	5	2.60	10	6.98	9	7.81	7	9.76	6	9.59	6		
0.00	13	2.74	11	3.45	10	5.43	10	8.00	8	3.23	10	1.37	10	2.25	11	6.49	7	1.16	10	6.25	9	2.44	10	2.74	10		
1.28	10	1.37	12	0.00	12	0.00	13	1.33	12	0.00	12	0.00	12	0.00	12	1.30	12	1.16	11	4.69	11	0.00	11	0.00	11		
8.97	6	4.11	9	3.45	9	7.61	9	5.33	9	6.45	7	5.48	9	4.49	9	5.19	8	8.14	7	4.69	10	14.63	3	10.96	4		
Ranking:														1		2		3		4							



FIGURE 9.6.3: RADIO STATION LISTENING BY RANKING, BY AVERAGE, AND BY TOTAL AUDIENCE



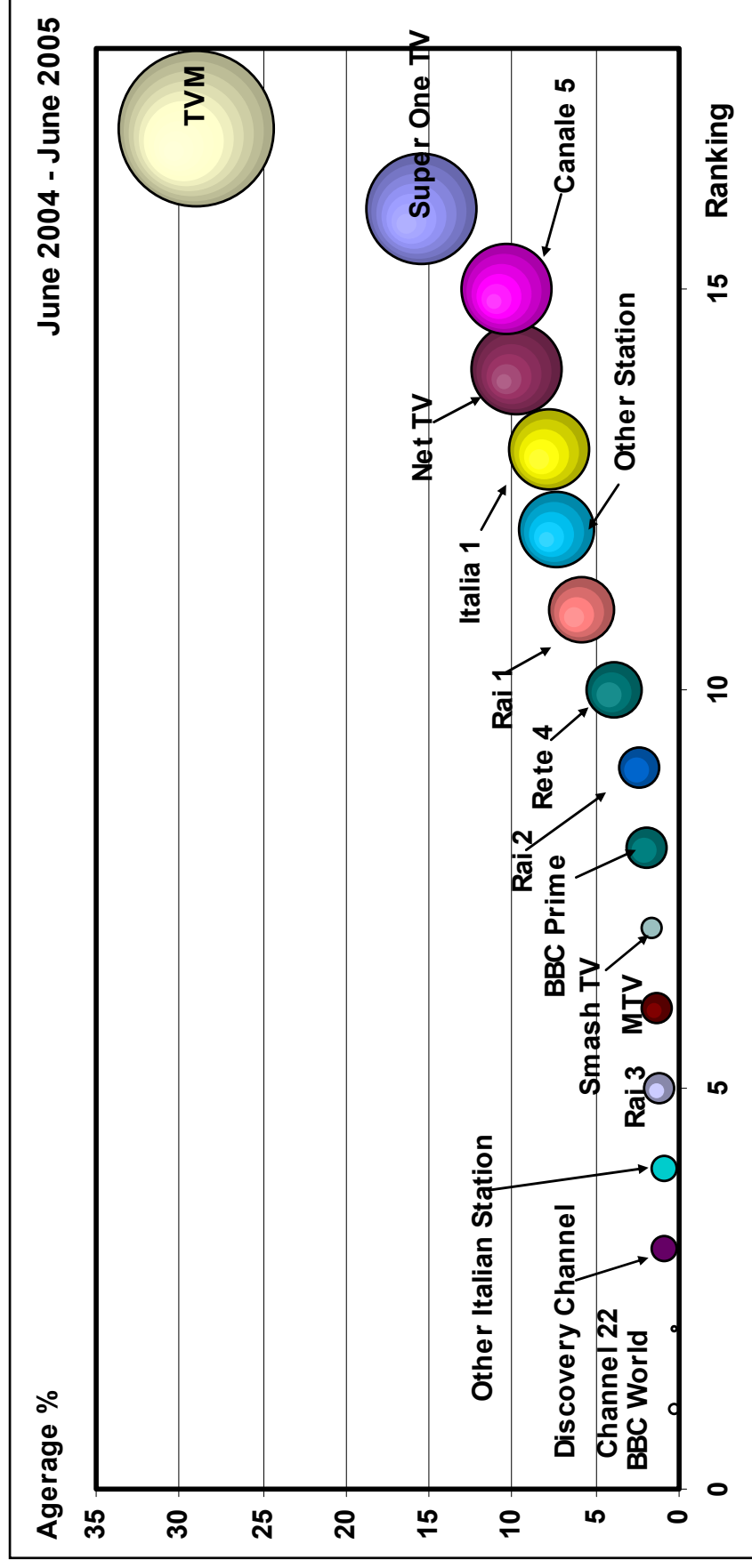
### 9.7 - Television Broadcasting [Counts of “10 minutes”]

The local TV broadcasting industry is characterised by local and “foreign spill-over” broadcasts especially those coming from Italy. Mediaset compete directly with local productions placing third and fourth ratings for various months – once even second [Canale 5 – May 2005]. In times of elections local broadcasting stations place first, while RAI stations placed fourth during the close of the football season – see table and figure 9.7.1 below:

**TABLE 9.7.1: TV STATION LISTENING BY RANKING, BY AVERAGE, AND BY TOTAL AUDIENCE**  
[“Other Station” includes cable and satellite transmissions]

	2004												2005													
	JUN		JUL		AUG		SEP		OCT		NOV		DEC		JAN		FEB		MAR		APR		MAY		JUN	
	%		%		%		%		%		%		%		%		%		%		%		%		%	
TVM	25.74	1	29.61	1	26.85	1	23.63	1	23.16	1	33.91	1	29.19	1	31.15	1	40.54	1	34.27	1	24.06	1	28.40	1	26.11	1
Super 1	12.24	2	12.29	2	18.79	2	15.38	2	16.84	2	14.37	2	18.38	2	15.30	2	14.86	2	18.54	2	15.51	2	12.96	3	16.11	2
Net	11.81	3	5.59	7	6.71	6	10.44	4	10.53	3	8.05	4	10.81	4	8.74	4	13.51	3	10.67	3	8.02	5	9.26	4	12.22	3
Smash	1.69	12	2.79	9	0.00	15	0.00	15	1.05	14	1.15	11	1.08	13	1.09	14	1.35	10	2.25	10	0.53	16	3.70	9	3.89	8
Channel 22																										
Rai 1	11.81	4	10.06	4	2.01	9	8.24	6	5.26	7	6.32	7	3.78	7	3.83	7	3.38	8	3.93	7	9.09	4	3.70	8	4.44	7
Rai 2	3.38	9	1.68	11	6.04	7	2.75	10	2.11	10	2.87	10	2.16	9	3.28	9	0.00	12	0.00	14	1.60	13	3.09	10	2.22	10
Rai 3	2.53	10	1.12	13	0.67	13	1.10	12	0.00	16	1.15	12	2.16	10	1.64	10	0.68	11	0.00	13	1.60	12	1.23	13	1.67	11
Rete 4	3.80	8	3.35	8	3.36	8	4.40	8	5.26	8	4.60	8	2.70	8	3.83	8	4.05	7	2.81	8	4.81	8	4.32	7	2.78	9
Canale 5	7.59	5	10.06	5	11.41	4	12.64	3	9.47	4	9.20	3	14.05	3	8.20	5	8.78	4	6.74	5	12.30	3	14.20	2	9.44	4
Italia 1	6.33	7	12.29	3	12.75	3	8.24	5	9.47	5	6.90	5	5.41	6	7.10	6	4.73	6	8.99	4	7.49	6	5.56	6	6.67	6
Other Italian Station	1.27	13	0.00	15	2.01	10	0.55	13	1.58	12	0.57	14	0.54	15	1.64	12	0.00	14	0.00	15	1.07	14	1.23	14	1.67	12
Discovery Channel	0.84	15	0.56	14	0.67	14	0.55	14	1.05	13	0.57	15	2.16	11	1.64	11	0.00	13	0.56	12	1.60	11	0.62	15	1.11	14
MTV	1.27	14	2.23	10	0.67	12	1.10	11	3.16	9	0.57	13	0.54	14	1.09	15	0.00	15	2.81	9	2.14	9	1.23	11	0.00	17
BBC Prime	2.53	11	1.68	12	1.34	11	3.30	9	1.58	11	3.45	9	1.08	12	1.09	13	2.70	9	1.69	11	2.14	10	1.23	12	1.11	13
BBC World	0.42	16	0.00	16	0.00	16	0.00	16	0.53	15	0.00	16	0.00	16	0.00	16	0.00	16	0.00	16	1.07	15	0.00	16	1.11	15
Other Station	6.75	6	6.70	6	6.71	5	7.69	7	8.95	6	6.32	6	5.95	5	10.38	3	5.41	5	6.74	6	6.42	7	9.26	5	8.89	5
	100.00		100.00		100.00		100.00		100.00		100.00		100.00		100.00		100.00		100.00		100.00		100.00		100.00	
													Ranking:	1				2		3						
																										5

FIGURE 9.7.1: TV STATION LISTENING BY RANKING, BY AVERAGE, AND BY TOTAL AUDIENCE  
 ["Other Station" includes cable and satellite transmissions]



## 10. POLITICAL BROADCASTING

### 10.1 - Party Political Broadcasts

On 9th February 2005 the Authority launched a scheme of party political broadcasts which consisted of 3 debates and political spots as follows:

	PN	MLP	AD
Debates	1 x 45'	1 x 45'	1 x 45'
Political Spots	10'	10'	5'

The first part of the party political broadcasts covered the period 9th February till 10th March 2005. No second part was organised during the year.

The three debates were chaired by Mr Saviour Balzan, Dr Georg Sapiano and Dr Toni Abela. All chairmen were participating chairmen and no pre-determined running order was followed.

### 10.2 - Anniversary Messages

There were three anniversary messages broadcast on TVM during 2005:

DATE	TIME	DURATION	MESSAGE
01/10/2005	19:03	4'37"	Jum Dinji ghall-Anzjani – Parliamentary Secretary Helen D'Amato
27/09/2005	18:45	6'01"	Jum Dinji tat-Turizmu – Minister Francis Zammit Dimech
03/12/2005	18:55	6'23"	Jum Dinji Persuni b'dizabilita' - Minister Dolores Cristina

### 10.3 - Ministerial Broadcasts

Only three Ministerial broadcasts were aired on TVM during the period under review:

DATE	TIME	DURATION	MINISTER
01/01/2005	19:03	4'37"	Parl. Seg. Helen D'Amato
27/09/2005	18:45	6'01"	Hon. Minister Francis Zammit Dimech
03/12/2005	18:55	6'23"	Hon. Minister Dolores Cristins



## 11. ADMINISTRATIVE OFFENCES

As the Broadcasting Authority was not functioning during the period April to June and October to December, the number of sittings held by the Authority to hear and determine administrative offences was less intensive than the previous year. This notwithstanding, the Authority still took cognisance of seven cases as detailed hereunder.

There were two charges brought against TVM in the preceding year, but decided upon in 2005. The first concerned accusations of infringements of paragraphs 4 and 9 of the Third Schedule by showing the brand name Roadstar in the programme *Xarabank* broadcast on 29<sup>th</sup> October 2005. The Authority decided there was no case.

The second charge concerned the programme *Tista' Tkun Int* broadcast on 18<sup>th</sup> November 2004, for allegedly infringing paragraphs 24 and 25 of the Third Schedule of the Broadcasting Act by exceeding the time allowed for advertising in a clock hour. The Authority upheld the charge and imposed a penalty of Lm500 on TVM.

Net TV was charged with infringing paragraphs 4, 9, 24 and 25 of the Third Schedule of the Broadcasting Act with regard to the programme *It-Tieg* broadcast on 15<sup>th</sup> January 2005. The Authority decided that the infringements concerning separation, surreptitious advertising and exceeding the clock hour permissible time for advertising were proven but as it was the first time these infringements were committed, the Authority decided to issue a warning.

Super One TV was charged with infringing paragraphs 4 and 9 of the Third Schedule in the programme *Orjenta Darek* broadcast on 16<sup>th</sup> January 2005. The Authority found that the station had infringed the regulations, with regard to lack of separation and surreptitious advertising, but as it was their first offence the Authority decided to give the station a warning.

Net TV was charged with infringing paragraphs 4, 9, 24 and 25 of the Third Schedule of the Broadcasting Act when it broadcast the programme *It-Tieg* on 15<sup>th</sup> January 2005. The Authority upheld the charge but as this was the first time the programme was found to have infringed such regulations, the Authority decided to warn the station against any repetition.

Super 1 TV was charged with infringing paragraphs 4 and 9 of the Third Schedule of the Broadcasting Act by allowing shirts displaying brand names to be worn. The Authority found that the station had infringed the regulations but as this was a first offence, the Authority decided to issue a warning.



Community Radio Three Cities was charged with ignoring the Authority's instructions to submit its schedules and other information that had been required by the Authority through letters and circulars sent to the station on five separate occasions. In view of the station's explanation in answer to these charges, the Authority decided to issue a warning.



## 12. QUALITATIVE RESEARCH

### 12.1 - The Effects of Broadcasting on the Young Consumer

Dr Joe Gixti concluded his qualitative research on the effects of broadcasting on the young consumer. This research, which was published by the Authority in book format, was discussed during a seminar held on 31<sup>st</sup> January 2005.

Dr Gixti's eightfold findings are summarised below:

1. Commercial media are selling the young more than brands of products – they are selling a whole way of life. Judging by the ways Maltese youth talk about themselves and their relation to their cultural environment, the sales pitch appears to be working.
2. The majority of Maltese youth are very much aware of the fact that they are living in a consumption-driven environment, and they appear to have internalised the values which underscore most Western-style consumer cultures.
3. Media images of “beautiful people” can lead to insecurity or unrealistic expectations and even self-punishing behaviour among many young people.
4. Young people with disabilities face unique problems of self-image and adjustment in commercially-oriented media cultures.
5. As in other countries, the evidence from Malta indicates that the young are being specifically targeted by alcohol and tobacco advertisers.
6. Though young people's attitudes to sex and sexual behaviour appear to have changed dramatically, these changes are also marked by ongoing conflicts, contradictions and double standards.
7. Maltese youth culture is not so much getting replaced by global mass culture as mutating by interacting with it.
8. There is a need for more systematic and widespread programmes of education about the media.



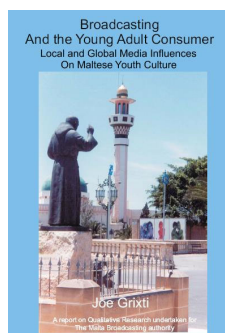
## **BROADCASTING AND THE YOUNG ADULT CONSUMER**



***The panel [left to right]: Chief Justice Emeritus, Dr. J. Said Pullicino, Chairman of the Broadcasting Authority; Dr. Paul E. Micallef, Consumer Affairs Council; Ms. Sylvana Debono, Broadcaster; Dr. Paul Bartolo, Chairperson; Mr. Jean-Paul de Lucca, President, Kunsill Nazzjonali taż-Żgħażaġh; and Dr. Anthony E. Azzopardi, Youth Studies Programme Coordinator, University of Malta***



***Some of the participants at Robert Samut Centre, Floriana***



***The publication***



***The Author  
Dr. J. Gixti***





### 13. PUBLIC SEMINARS

During 2005, the Broadcasting Authority organised three public seminars as follows:

DATE	SUBJECT
31 <sup>st</sup> January 2005	Launching of the Broadcasting Authority commissioned qualitative research project: "Broadcasting and the Young Adult Consumer – Local and Global Media Influences on Malta Youth Culture
21 <sup>st</sup> March 2005	Workshop on the Consultation Paper regarding the Reporting of News and the Production of Programmes about the Commission of Offences, their Investigation and the Judicial Process
24 <sup>th</sup> October 2005	Round Table Conference organised by the Broadcasting Authority and the Commissioner for Children on Quality Programmes for Children

With regard to the first seminar, this was chaired by Dr Paul Bartolo, Senior Lecturer in the Department of Psychology, Faculty of Education, University of Malta. Dr Joe Grixti, Senior Lecturer in Media Studies, Massey University, Auckland, New Zealand, delivered a video presentation whereby he summarised his research project and the relative findings and recommendations. Dr Anthony E. Azzopardi, Youth Studies Programme Co-ordinator at the University of Malta, Ms Sylvana Debono, a broadcaster, Mr Jean-Paul de Lucca, President of the Kunsill Nazzjonali taz-Zghazagh and Dr Paul E. Micallef, Member Consumer Affairs Council, provided the audience with their reactions to the research project.

As to the workshop on the reporting of criminal offences consultation document, it was introduced by the Broadcasting Authority Chairman, Chief Justice Emeritus Dr Joseph Said Pullicino. Reactions to the consultative document were provided by His Honour the Chief Justice Dr Vincent De Gaetano LL.D., Rev. Fr. Joe Borg, the Chairman of PBS Ltd.'s Editorial Board, Advocate Dr Giannella Caruana Curran LL.D. and Chief Justice Emeritus Professor Giuseppe Mifsud Bonnici LL.D., Chairman of the Press Ethics Commission.



*[L to R] - Rev. Fr. Joe Borg; His Honour the Chief Justice Dr Vincent De Gaetano LL.D., Broadcasting Authority Chairman, Chief Justice Emeritus Dr Joseph Said Pullicino; Advocate Dr Giannella Caruana Curran LL.D.; and Chief Justice Emeritus Professor Giuseppe Mifsud Bonnici LL.D., Chairman of the Press Ethics Commission*



The Round Table Conference on Quality Programmes for Children was chaired by Ms Sonia Camilleri, Commissioner for Children. Mrs Marian Muscat Azzopardi, Member of the Children's Council, introduced the seminar with a presentation on A Children's Rights Perspective. Research carried out by Mr Stephen Zerafa on lessons to be learnt from local and foreign children's programmes and on current legislation and the proposed way forward were presented by Dr Kevin Aquilina. Dr Sandra M. Dingli and Dr Jennifer Casingena Harper, two researchers, presented a report of a study they carried out on Quality Kids TV Foresight whilst Ms Daniela DeBono, Research, Development and International Relations Officer at the Office of the Commissioner for Children, introduced new draft guidelines for programme content created for children. Ms Lara Camilleri, a young person who sits on the Council of Children, read a paper on "A Children and Young People's Perspective" whilst Dr Kevin Aquilina tried to set out a proposed strategy on quality children's programmes. The proceedings of this Round Table Conference are reproduced in Appendix X to this Report.



*Round Table Conference,  
25<sup>th</sup> October 2005  
The Coastline Hotel*



## 14. STAFF PUBLICATIONS AND PAPERS

During 2005, the following papers were presented during conferences or were published or compiled:

NAME	CONFERENCE/ PUBLICATION	TITLE OF PAPER	DATE/ISSUE
Dr Kevin Aquilina, Chief Executive	<i>Mediterranean Journal of Human Rights</i> pp. 81-120	Children's Rights in the Maltese Audiovisual Landscape: Proposals for Legislative Reform	Volume 9, Number 1 2005 pp. 81-120
Joanna Spiteri, Supervisor Monitoring	Malta Olympic Committee Sports Marketing Seminar	Sponsorship in Sport: how is this portrayed on TV: what is permitted and what is not within the terms of the Broadcasting Act	9 <sup>th</sup> October 2005

Mr Edgar Cassar, Director Administration and Secretary to the Board, wrote two country reports on the latest developments in the broadcasting regulation landscape for the European Platform of Regulatory Authorities and another country report for the Mediterranean Network of Regulatory Authorities. A write-up on the Broadcasting Authority to be included in the Mediterranean Network's website was also compiled by Mr Cassar.

Dr Kevin Aquilina wrote a paper on children's rights which is currently being discussed with the Commissioner for Children's office as part of the Authority's contribution in the revision and updating of the Broadcasting Authority's Code for the Protection of Minors 2000.

Ms Joanna Spiteri delivered a paper on sponsorship in sport during a Malta Olympic Committee Sports Marketing Seminar. A copy of this paper is found in Appendix XI of this Report.



## 15. GLOBAL MEDIA MONITORING PROJECT

On Wednesday, 16<sup>th</sup> February 2005 the world's media came under scrutiny when hundreds of people monitored gender portrayal and representation in the news on television, radio and in newspapers. The University of Malta, in conjunction with the Broadcasting Authority, ensured that Malta was one of the 100 countries taking part. Dr Brenda Murphy, lecturer in gender and media at the University of Malta is the national coordinator for the Global Media Monitoring Project and Ms Joanna Spiteri, Supervisor, Monitoring Department is coordinating on behalf of the Broadcasting Authority.

Described by one of the leading gender and media consultants Margaret Gallagher as “one of the most extraordinary collective enterprises yet organised within the global women's movement”, GMMP is a unique part of the ongoing struggle to promote gender equality in the media.

The GMMP produces an up-to-date research study useful for gender-sensitisation, media literacy, education and training purposes. It also examines any changes in the coverage and participation of women and men in the world's news since the 1995 and 2000 studies, and provides a tool for activists to lobby for more gender-sensitive communication policy and media reform.

This third GMMP was organised by the Women's Programme of the World Association for Christian Communication (WACC). WACC is a global, ecumenical organisation which works for human dignity, justice and peace based on the belief that genuine communication is the basis of understanding and co-operation between people's of different faiths and cultures. The WACC Women's Programme works for gender justice by supporting women's use of communication for their own empowerment and for the development of their communities.

GMMP was born out of the 1994 international Bangkok conference on 'Women Empowering Communication' organised by WACC in conjunction with two other international women's networks. There, hundreds of gender and communication activists called for a one-day study of the media's gender coverage to be undertaken worldwide with the aim of documenting the participation of men and women and gender portrayal in the world's news media, creating a tested and refined research instrument and establishing a benchmark which would serve as a standard for measuring future change.

The first GMMP which was organised by the NGO MediaWatch Canada took place on 18<sup>th</sup> January 1995 when over 15,000 news stories were analysed by hundreds of volunteers in 71 countries. The results were presented in the publication Global Media Monitoring Project: Women's Participation in the News and were released to great interest at the United Nations Fourth World Conference on Women in Beijing.



Five years on, the WACC Women's Programme coordinated a more extensive and qualitative GMMP study. GMMP 2000, which Malta also participated in as a result of collaboration between the University of Malta and the Broadcastign Authority, aimed not only to assess changes in worldwide representations of women by the media since 1995, but also to improve and build upon the original study by involving more organisations in the research and by making the study more contextual. The actual monitoring day on 1<sup>st</sup> February 2000 generated tremendous excitement and solidarity among the undreds of participating groups in 70 countries which generated over 50,000 data records from some 16,000 news stories. As the French monitoring group put it, GMMP "is changing the way we read 'the media' and it will help us to show other journalists how and why things need to change". Preliminary results of GMMP 2000 were released in time for Beijing +5 events in June 2000 and the final results were published in a book entitled "Who Makes the News?" providing an extensive analysis of gender representation and portrayal in the world's news meda in the 21<sup>st</sup> century. Since their release, the results of GMMP 2000 have been used in a myriad of ways by gender and communication groups around the world and in many ways GMMP has developed a momentum all of its own. From use in academic articles, to providing the methodology for new monitoring projects on advertising or ethnicity, from the grassroots to policy-making circles, GMMP has become a tool for change. For this reason and in response to calls from gender and communication groups worldwide, the WACC Women's Programme has decided to co-ordinate a third GMMP, to be held in 2005.

With an even larger number of organisations and countries participating, an extensively revised quantitative and qualitative analysis, its own interactive website, and national and regional as well as a global report, GMMP 2005 was an even more exciting and ambitious global project than ever before. Not only does GMMP 2005 produce an up-to-date research study useful for gender-sensitisation, media literacy, education and training purposes and examine any changes in gender representation and portrayal in the world's news since the 1995 and 2000 studies, it will also provide a tool for activists to lobby for more gender-sensitive communication policy and media reform.



## 15.1 – National Results – Global Media Monitoring Project 2005

Country: Malta

### SUMMARY

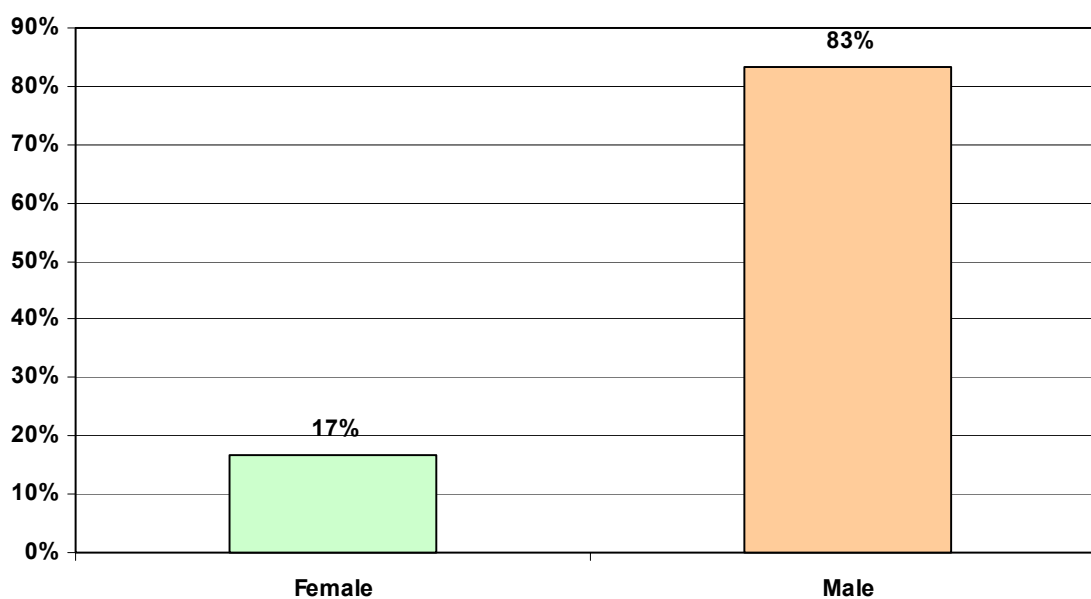
Monitored	Television Newscasts	Radio Newscasts	Newspapers	Total
Overall	3	6	4	13
Items	43	59	39	141
People in the news*	161	187	163	511

\*Includes presenters, reporters, news subjects

### 1. GENDER OF PRESENTERS, REPORTERS AND NEWS SUBJECTS

	Female	Male	Female	Male	Total Subjects
Presenter	62%	38%	38	23	61
Reporter	19%	81%	11	46	57
Subjects	17%	83%	59	295	354

GMMP 2005: News subject breakdown by gender



### 2. NEWS SUBJECTS IN TELEVISION, RADIO AND NEWSPAPERS

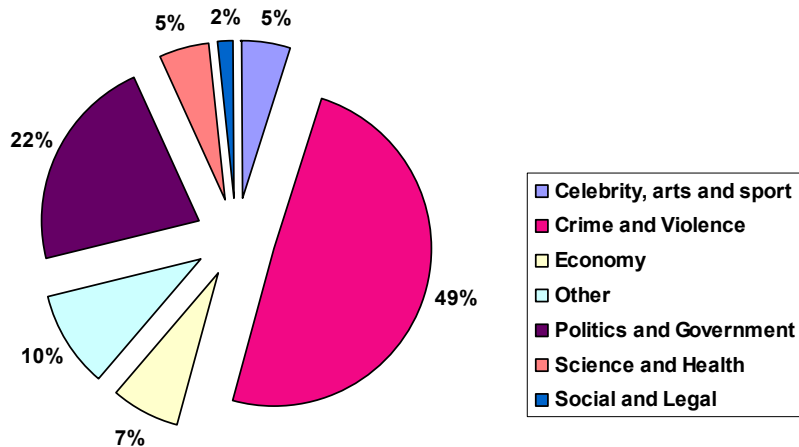
Television				Radio				Newspapers			
Female		Male		Female		Male		Female		Male	
N	%	N	%	N	%	N	%	N	%	N	%
24	20%	97	80%	19	18%	88	82%	16	13%	110	87%



### 3. News subjects in major topic areas.

Topic	Female	Male
Celebrity, arts and sport	3	42
Crime and Violence	29	58
Economy	4	24
Other	6	18
Politics and Government	13	139
Science and Health	3	9
Social and Legal	1	5
<b>Total</b>	<b>59</b>	<b>295</b>

GMMP 2005: Female news subjects per topic as % of all female news subjects



### 4. Position or Occupation of News Subjects

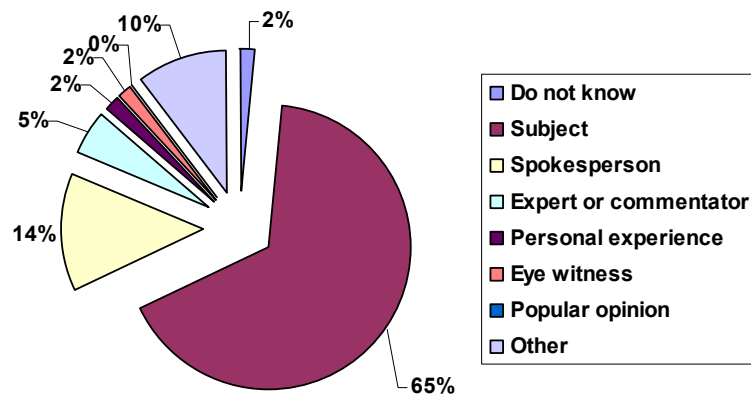
Occupation	Female	Male	Total	Female %	Male %
Not Stated	5	3	8	63%	38%
Royalty	0	0	0	0%	0%
Government official/politician	14	188	202	7%	93%
Government employee	1	8	9	11%	89%
Police/military	1	4	5	20%	80%
Academic/education	0	1	1	0%	100%
Health/social service	0	1	1	0%	100%
Science/technology	0	1	1	0%	100%
Media	2	3	5	40%	60%
Law	9	6	15	60%	40%
Business	1	9	10	10%	90%
Office / services	3	0	3	100%	0%
Trades/labour	0	9	9	0%	100%
Agriculture etc	0	1	1	0%	100%
Religious	0	0	0	0%	0%
Activist / NGO	0	4	4	0%	100%
Sex worker	0	0	0	0%	0%
Celebrity	1	0	1	100%	0%
Sports	0	32	32	0%	100%
Student	1	0	1	100%	0%
Homemaker	7	1	8	88%	13%
Child	2	2	4	50%	50%
Villager	0	0	0	0%	0%
Retired	1	0	1	100%	0%
Criminal	10	18	28	36%	64%
Unemployed	0	1	1	0%	100%
Other	1	3	4	25%	75%
<b>Total</b>	<b>59</b>	<b>295</b>	<b>354</b>	<b>17%</b>	<b>83%</b>



## 5. Function of News Subjects

Role	Female	Male
Do not know	1	0
Subject	39	210
Spokesperson	8	75
Expert or commentator	3	8
Personal experience	1	2
Eye witness	1	0
Popular opinion	0	0
Other	6	0
<b>Total</b>	<b>59</b>	<b>295</b>

GMMP 2005: Female news subjects by category as % of all female news subjects



## 6. News subjects who are victims

Victim				Not A Victim			
%F	F	%M	M	%F	F	%M	M
15%	9	7%	21	85%	50	93%	274

## 7. News subjects mentioned by family status

Female				Male			
Family Status Mentioned				Family Status Mentioned			
No		Yes		No		Yes	
N	%	N	%	N	%	N	%
50	85%	9	15%	285	97%	10	3%

## 8. News subjects quoted in newspapers

Quoted				Not Quoted			
%F	F	%M	M	%F	F	%M	M
6%	1	17%	19	94%	15	83%	91





### 9. News subjects appearing in newspaper photographs

Photograph				No Photograph			
%F	F	%M	M	%F	F	%M	M
0%	0	18%	20	100%	16	82%	89

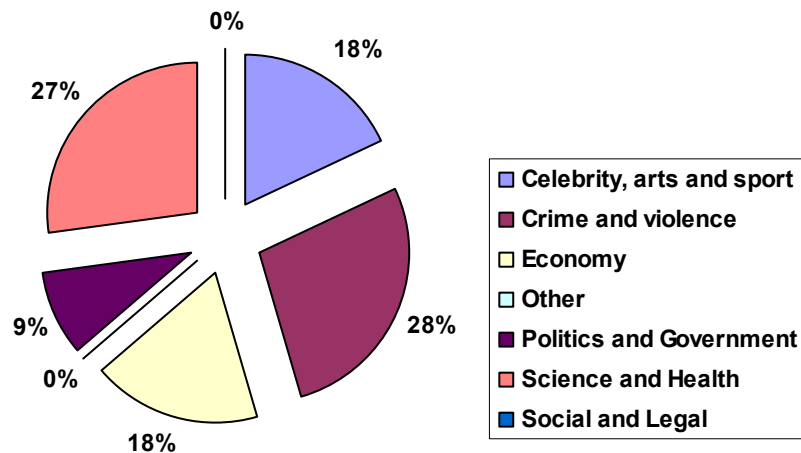
### 10. Presenters and Reporters

Television				Radio				Newspapers	
Presenter		Reporter		Presenters		Reporter		Reporter	
Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
3	1	9	22	35	22	0	7	2	17

### 11. Reporters in major topic areas.

Topic	Female	Male
Celebrity, arts and sport	2	6
Crime and violence	3	10
Economy	2	5
Other	0	0
Politics and Government	1	22
Science and Health	3	3
Social and Legal	0	0
Total	11	46

GMMP 2005: Female reporters per topic as % of all female reporters

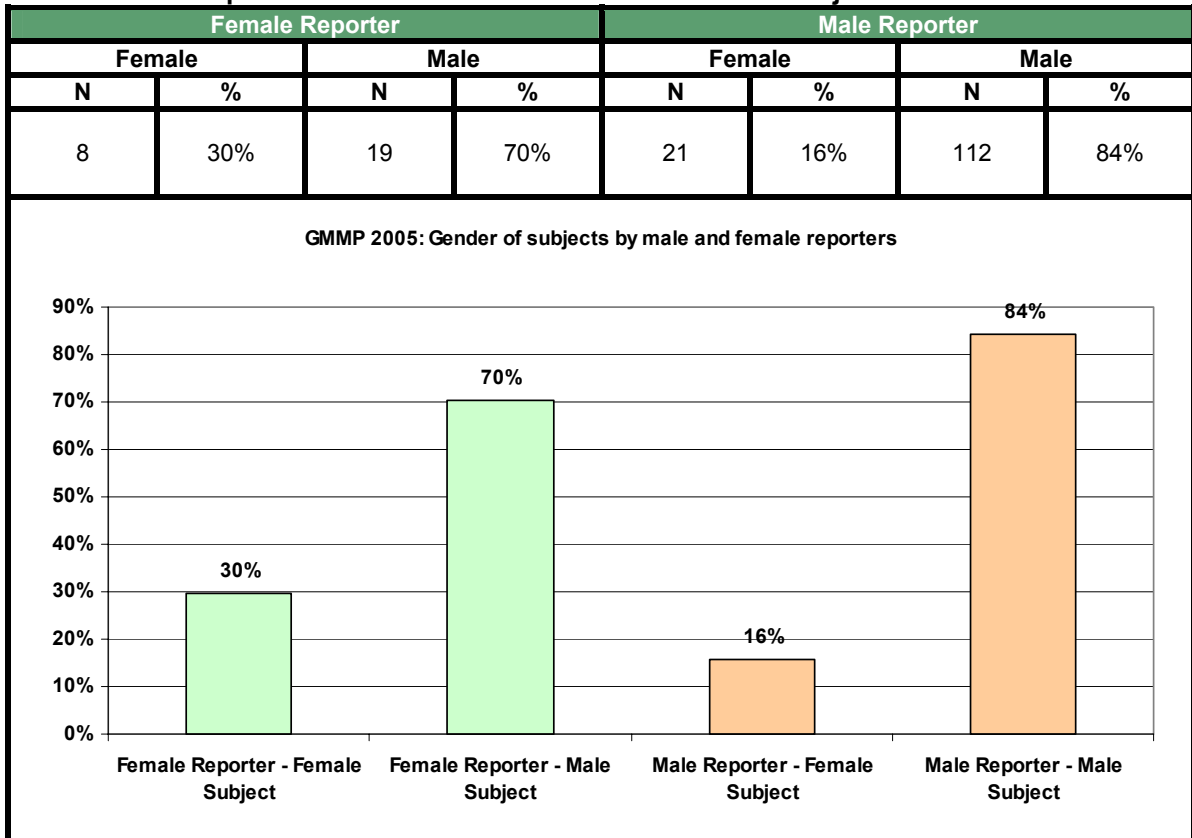


### 12. Topics in stories where women are a central focus

Celebrity, arts and sport	Crime and Violence	Economy	Other	Politics and Government	Science and Health	Social and Legal
2	2	0	0	1	1	0



### 13. Gender of reporter in stories with female and male news subjects



### 14. Stories that clearly challenge or reinforce stereotypes.

Challenges stereotypes		Reinforces stereotypes		Neither	
%	N	%	N	%	N
1%	1	2%	3	97%	131

### 15. Stories that highlight gender equality or inequality

Yes		No	
%	N	%	N
1%	1	99%	133



## 16. BROADCASTING INDUSTRY SURVEY

In partial fulfilment for their University of Malta degree course in Communication Studies, a group of students, under the tutorship of Dr. Brenda Murphy, conducted their Media Research Practicum on the local broadcasting employment scencario researching:

- the breakdown of the workforce within broadcasting organizations in Malta, considering gender division;
- other human resources issues, such as education of the employees, recruitment, training, promotion, and turnover;
- the presence of different policies within broadcasting organizations, such as family friendly policies, sexual harassment policy, training and mentoring schemes and others.

The research data is summarised in Appendix XII while Mr. Mario Axiak, Head of Research and Communications, and Ms. Joanna Spiteri, Supervisor Monitoring Department, co-ordinated data collection and attended the students' presentation at the University of Malta.



## 17. GENDER, POLITICS AND MEDIA

Another project that the Broadcasting Authority took part in was “*Gender, Politics and Media: Challenging Stereotypes, Promoting Diversity, Strengthening Diversity*”. The European Federation of Journalists coordinated this project with trans-national partners that include the European Journalism Centre, Radio Netherlands Training Centre, and the European Journalism Training Association. The project also includes five national partners: BBC from the United Kingdom, NRK from Norway, ZDF and RBB from Germany (on behalf of the ARD group of broadcasters), and the University of Malta, Department of Communications Studies.

This project was set up to stimulate new approaches to media portrayal of women and men in public life and in politics, by producing and disseminating an audio-visual training toolkit called “*Portraying Politics*” - for use in broadcasting and journalism training situations throughout the 25 EU Member states- based on analysis of examples drawn from current media output. The Malta Broadcasting Authority supported the project by providing the framework for searches for local material to be used in the training kit. Ms Joanna Spiteri, Supervisor, Monitoring Department was the coordinator on behalf of the Broadcasting Authority. The Toolkit was launched in April 2006 and can be ordered at [http:// www.portrayingpolitics.org/](http://www.portrayingpolitics.org/).



## 18. MALTA JOURNALISM AWARDS

As in the previous two years, the Broadcasting Authority sponsored the Broadcast Script and the Broadcast Film categories of the Malta Journalism Awards organised by the Institute of Maltese Journalists. In 2005 the Broadcast Script award was won by Ms Julia Farrugia (Super 1 Radio) while the Broadcast Film award was won by Mr Alvin Scicluna (TVM). The Awards ceremony was held on 14th November 2005.



*Dr Kevin Aquilina, Chief Executive  
Broadcasting Authority presenting the  
Journalism Award for Broadcast Script to  
Ms Julia Farrugia [Super One Radio]*



*Dr Kevin Aquilina, Chief Executive  
Broadcasting Authority presenting the  
Journalism Award for Broadcast Film to  
Mr Alvin Scicluna [TVM]*



## 19. TRAINING

### 19.1 - B.A.-M.C.A.S.T. Radio Programme Production Course

The Broadcasting Authority and the Institute of Business and Commerce of the Malta College of Arts, Science and Technology organised a part-time course on "Radio Programme Production". This course is designed to expose participants to basic skills needed in producing and presenting radio programmes. It also gives weight to a number of considerations which need to be given due attention when producing radio programmes. It is aimed at the production of creative radio programmes which need commitment and remote preparation prior to entering the broadcasting studios. Topics dealt with in this course included the Broadcasting Authority and broadcasting legislation, proper use of the Maltese language, scriptwriting for radio, audio production and pre-production techniques, radio etiquette and the role and functions of a radio programme producer. Nine participants attended this course, hailing mainly from community radio stations. Both Dr Kevin Aquilina and Mr Mario Axiak delivered a lecture on the Broadcasting Authority and the audience survey respectively.

### 19.2 - Staff Training and Development

During 2005, as in previous years, the Authority continued to invest in its human resources by assisting its employees in developing their intellectual faculties. Members of staff were encouraged to study various subjects, mainly on a part-time basis, relevant to their duties ranging from management to law so that they would be in a better position to perform their duties more efficiently and effectively. The following members of staff have benefited from the Authority's Training and Development Plan:

Mr Simon Manicolo, Head of Monitoring	Reading for a Doctor of Laws degree
Mr Mario Axiak, Head, Research & Communications	In his final year reading for a Master's degree in Business Administration
Ms Joanna Spiteri, Supervisor, Monitoring Department	Reading for a Doctor of Philosophy degree in Film and Media Studies
Ms Shirley Sultana Rizzo, Programme Monitor	Reading for a Diploma in Diplomatic Studies
Ms Marisa Borg, Programme Monitor	Concluded the European Computer Driving Licence core level course
Ms Natalie Debono Programme Monitor	Reading for a Master's degree in Creativity and Innovation
Mr Lawrence Buhagiar, Programme Monitor	Reading for a Master's degree in Public Policy and Management
Mr Ian Sammut, Programme Monitor	Reading for a Diploma in Anatomy and Physiology and a Diploma in Holistic Massage



Mr Daniel Delia, Senior Accounts Officer & I.T. Administrator	Concluded the European Computer Driving Licence core level course
Mr Chris Sciberras, Senior Technical Officer	Reading for an Advanced Diploma in Computer Studies
Ms Charmaine Grech, Monitoring Officer	Reading for a Diploma in Management Studies
Ms Josephine Gatt Monitoring Officer	Following the European Driving Licence core level course
Ms Sonya Agius, Clerk	Completed two modules of the Advanced European Computer Driving Licence course
Ms Rosienne Spiteri, Clerk	Following a beginner's course in the Spanish language

In addition, Mr Gordon Vassallo, Director Finance, and Mr Daniel Delia, Senior Accounts Officer, regularly attended the obligatory continual professional development courses organised by the Institute of Accountants.

During 2005, the Chief Executive followed the Malta Institute of Management's Foundation Course in Management and was awarded the relative certificate on successful completion of the course.







## ANNEXES





## L.N.300 OF 2005

EUROPEAN UNION ACT  
(CAP. 460)ADVERTISING, SPONSORSHIP AND TEleshopping  
(PROTECTION OF CONSUMERS' INTEREST)  
(TELEVISION BROADCASTING INJUNCTION) ORDER, 2005

IN exercise of the powers conferred by sub-article (2) of article 4 of the European Union Act, the Prime Minister, has made the following order:

1. (1) The title of this Order is the Advertising, Sponsorship and Teleshopping (Protection of Consumers' Interest) (Television Broadcasting Injunction) Order, 2005 *Citation and date of commencement*

(2) This Order shall come infor force on the 1<sup>st</sup> September, 2005

2. (1) In this Order, unless the context otherwise requires –

*Interpretation*

“the Act” means the Broadcasting Act;

*Cap. 350*

“the competent authority” means the Broadcasting Authority as established by the Constitution of Malta;

“the Directive” means the provisions of Directive 98/27/EC of the European Parliament and of the Council of 19<sup>th</sup> May, 1998 on injunctions for the protection of consumers' interests;

“the Television Without Frontiers Directive” means Articles 10 to 21 of Council Directive 89/552/EEC of 3<sup>rd</sup> October, 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L298, 17.10.1989, p.23) as amended by Directive 97/36/EC (OJ L202, 30.7.1997, P.60);

“qualified entity” means any body or organization which, being properly constituted according to the law of a Member State, has a legitimate interest in ensuring that the provisions referred to in article 3 of this Order are complied with and, without prejudice to the generality of the foregoing, includes:

(a) a registered consumer association within the meaning of Part IV of the Consumer Affairs Act;

*Cap. 378*

(b) one or more Independent public bodies, having a legitimate interest in ensuring the protection of the collective interests of consumers of television advertising, sponsorship and teleshopping in other Member States or EEA States in which such bodies exist;

(c) voluntary ortganisation in other Member States or EEA States whose purpose is to protect the interests referred to in paragraph (a) of this definition in accordance with the criteria laid down by their national law;

(d) organisations recognised by the competent authority as collectively representing professional broadcasting services; or



(e) any qualified entity from a Member State or EEA State included in the list of qualified entities;

“European Community” means the organisation established by the Treaty of Rome in 1957 and amended institutionally and otherwise in 1986 by the Single European Act, in 1993 by the Treaty on European Union, in 1997 by the Treaty of Amsterdam and in 2001 by the Treaty of Nice and as amended by accession agreements and as may be further amended from time to time;

“the Commission” means the Commission of the European Community;

“list of qualified entities” means the list compiled and updated by the Commission and published in the Official Journal of the European Communities listing the qualified entities in Member States and EEA States in accordance with Article 4 of the Directive;

“Court of Appeal” means the Court of Appeal sitting in its inferior jurisdiction as constituted in terms of sub-article (6) of article 41 of the Code of Organization and Civil Procedure;

**Cap. 12**

“EEA State” means any State which is a contracting party to the agreement on the European Economic Area signed at Oporto on the 2<sup>nd</sup> May, 1992 as amended by the Protocol signed at Brussels on 17<sup>th</sup> March, 1993 and as amended from time to time;

“Member State” means a member of the European Community;

(2) Words and expressions used in this Order which are also used

3. The object of this Order is to implement the provisions of the Directive, as applicable to television advertising, sponsorship and teleshopping contained in the Television Without Frontiers Directive as transposed in the Act, and shall be interpreted and applied accordingly.

**Object.**

4. This Order applies to any television advertising, sponsorship and teleshopping referred to the Television Without Frontiers Directive as transposed by the Act when advertising, sponsorship and teleshopping is broadcast by any person licensed to provide broadcasting services under the provisions of the act.

**Scope.**

5. (1) Where a qualified entity wishes to seek a compliance order, it shall submit its written application to the competent authority. In its application, it shall satisfy the competent authority that it has tried to achieve the cessation of the infringement in consultation with either the defendant or both the defendant and another qualified entity of the Member State or EEA State in which the injunction is sought. The competent authority shall only entertain a written application if the qualified entity shows to its satisfaction that the cessation of the infringement was not achieved within two weeks after the request for consultation was received.

**Application for compliance orders by qualified entities.**

(2) Where the qualified entity is from another Member State or EEA State, the competent authority shall treat the list of qualified entities published by the Commission as conclusive proof of the legal capacity of the legal entity to present such written application in Malta.

(3) The competent authority shall, at the request of a qualified entity from Malta, communicate to the Commission the name and objects of such entities and that such qualified entity should be added to the list of qualified



entities so as to facilitate the redress of inter-community infringements.

(4) Before proceeding for the issue of a compliance order under article 6, the competent authority shall, if it considers it to be possible and reasonable to do so, seek first to achieve voluntary compliance by a person licensed to provide broadcasting services under the provisions of the Act and other persons involved, in accordance with this Order, the Act or any other law dealing with consumer rights and protection.

(5) For the purposes of this Order, an infringement occurs when any act is committed contrary to the Television Without Frontiers Directive as transposed by the Act which harms the collective interests of consumers.

6. (1) Where the competent authority feels it reasonably appropriate or necessary for the protection of consumers, it may, on a written application to it by a qualified entity, issue a compliance order against any person licensed to provide broadcasting services under the provisions of the Act for one or more of the following purposes:

*Issue of compliance orders.*

(a) ordering any such person to cease broadcasting of any advertisement, sponsorship or teleshopping which the competent authority considers to be in breach of the provisions of the Act regulating advertisements, sponsorship and teleshopping;

(b) requiring such person to take any measures specified in the compliance order, within the time specified in the compliance order to ensure that this Order is complied with;

(c) requiring such person to cease or desist from committing a breach of this Order or of the provisions of the Act regulating advertisements, sponsorship and teleshopping.

(2) The competent authority shall, when issuing a compliance order under this regulation -

(a) serve a copy of the compliance order on each person against whom the order is made;

(b) include with the compliance order, information about the right to institute an action before the Court of Appeal, in accordance with article 9; and

(c) briefly state the reasons for issuing the compliance order, which reasons shall be notified to each person against whom the compliance order is issued and, if any, to the qualifying body on whose application the compliance order is issued.

(3) No precautionary warrant or other order under any other law shall be issued by any court or tribunal restraining or restricting the competent authority from issuing a compliance order under this Order.

7. (1) It shall be at the discretion of the competent authority whether or not to issue a compliance order after a written request by a qualified entity has been made to it in terms of sub-article (1) of article 6.

*Discretion of competent authority to issue a compliance order.*

(2) If the competent authority decides not to issue a compliance order after an application has been made to it by a qualified entity, it shall, within seven days from the date of its decision, notify in writing the qualified entity and the persons against whom the compliance order is requested with its decision stating the reasons therefor.





(3) A qualified entity may within fifteen days from the date of notification upon it of the decision of the competent authority not to issue a compliance order, institute an action before the Court of Appeal for the issue of an order requiring the competent authority to issue a compliance order under article 6. The persons against whom the compliance order is requested to be made shall be parties to the suit, and it shall be the duty of the qualified entity to notify such persons accordingly.

(4) In the exercise of its functions and powers under this Order, the Court of Appeal shall in all cases act as expeditiously as possible.

8. A compliance order issued by the competent authority shall come into force with immediate effect.

*Compliance order to take immediate effect.*

9. (1) A person against whom a compliance order has been made, may, within fifteen days from receipt of notification of the compliance order, appeal in writing to the Court of Appeal for the revocation or amendment of the compliance order, giving detailed grounds for the request. Such appeal may be made only on the following grounds:-

*Appeal from a compliance order.*

(a) the competent authority has, in its decision wrongly applied any of the provisions of this Order; or

(b) the decision of the competent authority constitutes an abuse of discretion or is manifestly unfair.

(2) The Court of Appeal may confirm, change or cancel the compliance order on any terms or conditions it considers appropriate.

(3) Where an appeal is instituted under sub-article (1), the compliance order shall remain in force unless the Court of Appeal specifically orders that the compliance order shall be stayed pending the outcome of the appeal, subject to such conditions and amendments as it may determine. In any such instance, the competent authority may request the Court of Appeal to make an interim compliance order, ordering that the compliance order shall, subject to such modifications as the competent authority may suggest, continue in force pending the final determination of the case instituted in accordance with sub-article (1). An interim compliance order shall expire upon the final determination of the case.

(4) Subject to this Order, the provisions of the Code of Organization and Civil Procedure shall, mutatis mutandis, govern appeals to the Court of Appeal.

*Cap.12*

10. The competent authority, when issuing a compliance order under article 6, shall not be required to prove:-

*No need to prove actual loss, etc.*

(a) actual loss or damage; or

(b) actual recklessness, negligence or fault on the part of the person against whom the order is made.

11. (1) The competent authority may, for the better information of the public:

*Competent authority may require publication.*

(a) publish a copy of the compliance order made under order 6 against any such person, in full or in part; or

(b) order any person licensed to provide broadcasting services

under the provisions of the Act to publish a corrective statement in relation to any contravention of this Order; or

(c) take both measures mentioned in paragraph (a) and (b) above.

(2) Publication in terms of sub-article (1) shall be made at the expense of the person served with such notice and the provisions of sub-article (7) of article 41 of the Act shall, mutatis mutandis, apply to the person licensed to provide broadcasting services under the provisions of the Act. Where such publication is not effected as aforesaid, the competent authority may proceed to effect publication itself, in such medium as it considers appropriate, in which case it shall have the right to recover from the person on whom the notice is served, any expenses incurred, as a civil debt, constituting an executive title for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure as if payment of the amount of the civil debt has been ordered by a judgment of a court of civil jurisdiction.

**12.** The competent authority may in writing authorise the chairman or a member thereof or any of its officers and employees or any other person to perform any of its functions in relation to the enforcement of this Order or exercise any power granted to it under these provisions. Any such authorized person shall, when required, produce the written authorisation signed by the competent authority.

*Delegation of powers of the competent authority.*

**13.** (1) The competent authority may, for the purpose of discharging its functions under this Order, require any person to provide any information in any manner, including by:

*Obtaining information.*

(a) answering any questions, orally or in writing; or

(b) producing any item as aforesaid as the competent authority may consider to be necessary.

(2) Any such person shall promptly comply with any such request.

**14.** (1) A person licensed to provide broadcasting services under the provisions of the Act, shall be liable to an administrative penalty in terms of article 15 if such person:–

*Failure to comply with Order.*

(a) fails to observe any other provision in this Order;

(b) fails to comply with a compliance order issued under this Order; or

(c) refuses or fails to furnish information as required under this Order or else provides false or misleading information.

(2) A person licensed to provide broadcasting services under the provisions of the Act, shall be liable to an administrative penalty if such person:–

(a) wilfully obstructs, assaults, threatens, resists or interferes with the competent authority or any person delegated by it in terms of order 12 or any public officer in the exercise of his duties under this Order or attempts so to do; or

(b) uses threatening, abusive or insulting language to the competent authority or any person delegated by it in terms of article 12 or any public officer in the course of duties.



**15.** (1) In the event of liability arising in terms of article 14 the Chief Executive of the competent authority may by notice in writing request the competent authority to impose on the person licensed to provide broadcasting services under the provisions of the Act an administrative penalty in terms of article 41 of the Act and the procedure laid down in that article shall *mutatis mutandis* apply.

**Administrative penalties.**

**Cap. 350.**

(2) In issuing the charge against such person, the Chief Executive of the competent authority shall also comply with the procedure set out in the Special Administrative Procedure Regulations, 2000.

**L.N. 162 of 2000.**

**16.** Nothing in this Order shall prejudice or limit the exercise of the powers of the competent authority to take administrative measures or impose penalties under the Act, against a person licensed to provide broadcasting services under the provisions of the Act who has contravened any provisions of this Order or has failed to satisfy or comply with any obligation or condition to which he may be subject under the Act.

**Other administrative sanctions.**

**17.** (1) Where an order or notice is required or authorised to be served under this Order it shall be served in any of the following manners:–

**Service of orders or notices.**

(a) by delivering it, or by sending it by registered mail to the person on whom it is to be served at such person's place of residence, office or place of work; or

(b) in the case of a body corporate or other body of persons, by delivering it to an officer or servant thereof at the registered office or any other place of business, or sending it in a registered letter addressed to any such office.

(2) In any case where it is not reasonably possible to effect service in any manner stated in sub-article (1), service may be effected by publishing a summary of such notice in the Gazette.





## L.N.301 OF 2005

BROADCASTING ACT  
(CAP. 350)BROADCASTING ACT (AMENDMENT OF FIFTH SCHEDULE) REGULATIONS,  
2005

IN exercise of the powers conferred by sub-article (2) of article 4 of the European Union Act, the Prime Minister, has made the following order:

1. These regulations may be cited as the Broadcasting Act (Amendment of Fifth Schedule) Regulations, 2005, and they shall come into force on the 1st September, 2005. *Citation and date of commencement*

2. In the Fifth Schedule to the Broadcasting Act, for the words

"Regulations 5 and 6 of the  
Broadcasting (Jurisdiction and  
European Co-Operation)  
Regulations, 2000

Lm5,000

Lm4,500",

there shall be substituted the words

"Regulations 5 and 6 of the  
Broadcasting (Jurisdiction and  
European Co-Operation)  
Regulations, 2000

Lm15,000

Lm10,000

Advertising, Sponsorship and  
Teleshopping (Protection of  
Consumers' Interest) (Television  
Broadcasting Injunction)  
Order, 2005

Lm15,000

Lm10,000".



L.N.302 OF 2005

**BROADCASTING ACT  
(CAP. 350)**

**ADMINISTRATIVE PENALTY (REVISION) ORDER, 2005**

IN exercise of the powers conferred by article 41 (4) (c) of the Broadcasting Act, the Prime Minister, has made the following Order:–

1. (1) The title of this Order is the Administrative Penalty (Revision) Order, 2005. *Citation and date of commencement*  
 (2) This Order shall come into force on the 1st September, 2005.
2. In this Order, unless the context otherwise requires, “the Act” means the Broadcasting Act *Interpretation, Cap. 350*
3. The amount of the administrative penalty of five thousand liri established in the first proviso to paragraph (c) of sub-article (4) of article 41 of the Act is hereby being prescribed by this Order to be read and construed as being an amount of fifteen thousand liri. *Revision of administrative penalty.*



L.N.83 OF 2005

**BROADCASTING ACT  
(CAP. 350)**

**AMENDMENT TO THE CODE FOR THE INVESTIGATION AND  
DETERMINATION OF COMPLAINTS, 2005**

IN exercise of the powers conferred by subarticle (2) of article 21A of the Broadcasting Act, the Broadcasting Authority has made the following amendment to the Code for the Investigation and Determination of Complaints:—

- |  |   |
|--|---|
| <p><b>1.</b> The title of this amendment is the Amendment to the Code for the Investigation and Determination of Complaints, 2005 and it shall be read and construed as one with the Code for the Investigation and Determination of Complaints, hereinafter referred to as “the Code”.</p>  | <p><i>Title</i><br/><br/><b>L.N. 161 of 2000.</b></p> |
| <p><b>2.</b> For article 7 of the Code there shall be substituted the following:—</p> <p style="padding-left: 40px;">“7. (1) If the complainant is not satisfied with the broadcaster’s reply or remedy given, he may request the Authority to hear and decide upon his complaint.</p> <p style="padding-left: 40px;">(2) The complainant may file his complaint with the Authority:</p> <p style="padding-left: 80px;">(a) within a period of fifteen days from the receipt of the broadcaster’s reply or from the granting of a remedy thereto; or</p> <p style="padding-left: 80px;">(b) within eighteen days from the date of his complaint to the broadcaster if the latter does not reply or does not provide an adequate remedy to the complaint.</p> <p style="padding-left: 40px;">(3) If the complainant does not request the Authority to appoint his complaint in terms of sub-article (1) hereof, the Authority shall declare the complaint abandoned and it shall not take further cognizance of that complaint.”.</p> | <p><i>Substitutes article 7 of the Code.</i></p>      |



**DIRETTIVA DWAR IT-TMEXXIJA  
TA' KOMPETIZZJONIJIET  
U L-GHOTI TA' PREMJIJIET  
FIL-MEZZI TAX-XANDIR**

**DIRECTIVE ON CONDUCT  
OF COMPETITIONS  
AND THE AWARD OF PRIZES  
ON THE BROADCASTING MEDIA**

## 1. IL-GHAN

1.1. Din id-Direttiva saret biex turi kif:

1.1.1. għandhom jitmexxew il-kompetizzjonijiet li jinżammu fuq il-mezzi tax-xandir, kemm fit-televizjoni kif ukoll fir-radju; u

1.1.2 jingħataw il-premijijiet lill-partecipanti f'dawk il-programmi li jixxandru fuq kull mezz tax-xandir u li fihom il-partecipanti jieħdu sehem f'xi waħda minn dawn il-kompetizzjonijiet -

- bit-*televoting*,
- bit-telefonati,
- billi tkun membru ta' l-udjenza fl-istudjo waqt il-programm jew
- bil-kitba wkoll bl-*e-mail* jew bil-*fax*.

## 2. TIFSIR

2.1. "Partecipant" tfisser kulmin b'xi mod, hu liema hu, jieħu sehem f'kompetizzjoni li tkun qed issir waqt programm fuq kull xorta ta' mezz tax-xandir.

## 3. IT-TMEXXIJA TAL-KOMPETIZZJON

3.1. Il-kompetizzjonijiet għandhom jitmexxew bil-ħaqq u skond ir-regoli magħrufa. Il-partecipanti jridu jkunu jafu sewwa r-regoli tal-kompetizzjoni kif ukoll x'xorta ta' premijijiet ser jingħataw.

3.2. Kemm jista' jkun il-mistoqsijiet għandhom ikunu marbuta mal-ħsieb tal-programm li fih isiru. Jekk jirreferu għall-prodotti jew servizzi ta' min jimmanifattura l-premju jew tad-donatur, għandhom jintqiesu bħala reklam u għandu jidher l-kliem "*Messagg Promozzjonali*" fuq l-iskrin meta jkun programm televiżiv, jew fil-każ li l-programm ikun bir-radjo, ix-xandâr għandu jħabbru bil-kliem: "*Issa ngħaddu għall-kompetizzjoni li hi parti minn messagg promozzjonali*"

## 4. META JISSEMM L-PRODOTT TAD-DONATUR JEW TAL-PREMJU

4.1. Min jagħmel reklam jista' jagħti premijiet minn prodotti u/jew servizzi tiegħu stess. Meta jkun hemm raġuni editorjali, l-isem tad-donatur

## 1. PURPOSE

1.1. The purpose of this Directive is to provide for:

1.1.1. the general conduct of competitions held on the broadcasting media whether television or radio; and

1.1.2. the award of prizes to participants in those programmes carried on any means of broadcasting whereby such participants take part in competitions in any of the following ways -

- by televoting,
- by phone-ins,
- by being present for the programme as a member of the studio audience, or
- by writing (including by e-mail or fax).

## 2. DEFINITIONS

2.1. "Participant" means any person who in any manner whatsoever participates in a competition held during the course of a programme on any means of broadcasting.

## 3. CONDUCT OF COMPETITION

3.1. Competitions should be conducted fairly and according to rules. Competition rules should be made known to participants and prizes should be described accurately.

3.2. The questions should preferably have a clear thematic connection with the programme in which they appear. If they refer to the products or services of the prize manufacturer or donor, they should be considered as an advertisement and the words "*Messagg Promozzjonali*" should appear on the screen in the case of television programmes, whilst in the case of radio programmes, the broadcaster should announce the competition with the words, "*Issa ngħaddu għall-kompetizzjoni li hi parti minn messagg promozzjonali*".

## 4. MENTION OF BRAND OR PRIZE DONOR

4.1. Advertisers may donate prizes which may be their own products and/or services. Where editorially justified, there may be mention of the



jew tal-prodott tal-premju jkun jista' jissema brand of the prize or prize donor, which may include brief factual and/or visual references no longer than 7 seconds. Descriptions should avoid promotional statements.

## **5. IR-RESPONSABILITÀ TAX-XANDĀR**

**5.1.** Xandâr li l-istazzjon tiegħu qed iniedi programm li fih jingħataw il-premijiet, hu direttament responsabbli għall-kompetizzjoni kif ukoll għall-għoti tal-premijiet lir-rebbieha.

**5.2.** Ix-xandâr irid jara li min jirbaħ il-premju jiġi jgħallat fi żmien sebat ijiem minn mindu tkun ingħallat il-kompetizzjoni. Il-premju għandu jingħata lir-rebbieh fi żmien xahar kalendarju minn meta jkun ixxandar ir-rebbieh tal-premju tal-kompetizzjoni.

**5.3.** Ix-xandâr għandu r-responsabbiltà jara li l-premijiet jingħataw kif tħabbru waqt il-programm u kif mistħoqq lill-partecipant rebbieh.

## **6. L-GHOTI TA' VAWĈER BI PREMJU**

**6.1.** Meta l-premju jkun jikkonsisti f'vawċer, ir-rebbieh ikun intitolat għall-valur sħiħ ta' dik il-vawċer bla ebda tneġa li jkollu jgħallas flus żejda biex jagħmel użu minnha.

**6.2.** Meta l-premju jkun jikkonsisti f'vawċer iżda jingħata fi prodott u/jew servizzi, il-prodott u/jew servizzi mogħtija jridu jkunu jiswew daqs il-valur totali tal-vawċer.

**6.3.** Ma għandu jingħata ebda skont fil-prezz jew valur ta' prodott jew servizz mixtri.

## **7. IL-PREZZ TAT-TELEFONATA GħANDU JIXXANDAR**

**7.1.** Meta l-prezz tat-telefonata jkun oġġla mit-tariffa normali pubblikata, kull promozzjoni li ssir għal xi kompetizzjoni mxandra jew reklamata għandha tagħti l-prezz tat-telefonata. Jekk xi parti mill-ħlas tat-telefonata se tingħata għal xi kawża li minnha mhux se jsir qligħ, din il-parti trid tkun ukoll speċifikata.

## **8. IL-KUNFIDENZJALITÀ**

**8.1.** Ix-xandâr irid jara li bl-ebda mod ma tinkiser il-kunfidenzjalità u li ebda partecipant ma jingħata vantaġġ fuq partecipanti oħra.

## **5. RESPONSIBILITY OF THE BROADCASTER**

**5.1.** The broadcaster on whose station a programme is transmitted during which prizes are awarded, shall be directly responsible for the competition including for the award of the prizes to the winning participant.

**5.2.** The broadcaster shall ensure that the prizewinner/s is/are announced within seven days within which the competition is concluded. The prize shall be awarded to the prizewinner within one calendar month of the announcement of the prize-winner/s of the competition.

**5.3.** It shall be the responsibility of the broadcaster to ensure that the prizes as advertised during such a programme are duly delivered to the winning participant.

## **6. AWARD OF VOUCHERS AS PRIZES**

**6.1.** When the prize consists of a voucher, then the winner of that prize shall be entitled to the full value of that voucher without the need of incurring any extra expense to have benefit of the voucher.

**6.2.** When the prize consists of a voucher but is given in goods and/or services, the goods and/or services given shall be equivalent to the total value of the voucher.

**6.3.** No discount on the purchase of a produce or service is allowed.

## **7. COST OF CALL TO BE MADE KNOWN**

**7.1.** Where the cost of the telephone call is higher than the normal published tariff, then any promotions for the competition however so carried or advertised shall state the cost of the call. If a proportion of the cost of the call is intended for any non-profit making cause, then that proportion must also be specified.

## **8. CONFIDENTIALITY**

**8.1.** The broadcaster shall ensure that there shall be no breach of confidentiality and no participant shall be given any advantage over other participants.



## **9. IR-REGOLI TWAL U KOMPLIKATI**

**9.1.** Il-kompetizzjonijiet ma għandux ikollhom regoli twal u komplikati.

## **10. L-INFORMAZZJONI LI GĦANDHA TINGĦATA**

**10.1.** Il-materjal promozzjonali dwar il-kompetizzjonijiet irid jagħti t-tagħrif kollu li jista' b'xi mod jolqot id-deċiżjoni għall-partecipazzjoni u f'kull każ għandu jinkludi:

**10.1.1.** Data/i meta tagħlaq,

**10.1.2.** Termini u kundizzjonijiet importanti kif ukoll restrizzjonijiet dwar l-eligibbiltà biex wieħed jieħu sehem,

**10.1.3.** Deskrizzjoni adegwata u ċara biżżejjed tal-premijiet li jkunu se jintrebħu,

**10.1.4.** Kif u meta r-rebbieħa għandhom ikunu infurmati.

## **11. ID-DATA TA' L-GĦELUQ**

**11.1.** Għandu jkun hemm data ta' l-għeluq għall-kompetizzjonijiet kollha flief għal dawk fejn ir-rebbieħa tal-premijiet jithabbru waqt il-programm stess.

## **12. MA GĦANDHOMX JIEĦDU SEHEM, IMPJEGATI...EĈĈ.**

**12.1.** Impjegati tax-xandâr, ta' aġenzija tar-reklamar, sponsors tal-kompetizzjoni, jew dawk involuti direttament fil-produzzjoni jew preżentazzjoni ta' programm li fih tixxandar il-kompetizzjoni, jew dawk li jiġu mill-qrib minn tal-familja, ma għandhomx awtomatikament jithallew jieħdu sehem f'xi kompetizzjoni mxandra fuq dak l-istazzjon.

## **9. LONG OR COMPLEX RULES**

**9.1.** Competitions shall not feature long or complex rules.

## **10. WHAT INFORMATION MUST BE PROVIDED**

**10.1.** Promotional material about the competitions must clearly provide information which is likely to affect a decision to participate, and shall in any case include the following:

**10.1.1.** Any closing date,

**10.1.2.** Any significant terms and conditions, including any restriction on the eligibility to participate,

**10.1.3.** An adequate and unequivocal description of prizes to be won,

**10.1.4.** How and when prize winners will be informed.

## **11. CLOSING DATE**

**11.1.** Competitions must have a closing date, except where there are instant prize winners.

## **12. PROHIBITION OF EMPLOYEES ETC.**

**12.1.** Persons who are either employees of the broadcaster, advertising agents, the competition's sponsors, or people who are directly involved in the production or presentation of the programme in which the competition is carried, or who form part of the immediate family of such persons shall automatically be disqualified from participating in any competition carried on that station.

**18 TA' JANNAR 2005**

**18<sup>TH</sup> JANUARY 2005**



## LINJI GWIDA DWAR REKLAMAR, SPONSORSHIP U TELESSHOPPING TA' XORB ALKOĦOLIKU

## GUIDELINES ON ALCOHOLIC DRINK ADVERTISING, SPONSORSHIP AND TELESSHOPPING

### 1. APPLIKAZZJONI TA' DAWN IL-LINJI GWIDA

**1.1** Dawn il-Linji Gwida għandhom jinqraw flimkien mal-paragrafu 19 tat-Tielet Skeda għall-Att dwar ix-Xandir (Kap. 350 tal-Liġijiet ta' Malta), u għandhom japplikaw għar-reklamar ta' xorb alkoħoliku u għat-*teleshopping* ta' xorb alkoħoliku. Il-wiri b'mod inċidentali ta' konsum ta' alkoħol f'reklami jew f'*teleshopping* għal prodotti u servizzi oħra għandu dejjem jiġi kkunsidrat sabiex jiġi żgurat li dan ma jmurx kontra l-ispiritu ta' dawn il-Linji Gwida.

### 2. TQASSIM TA' REKLAMAR U *TELESSHOPPING* GĦAL ALKOĦOL

**2.1** Reklamar għal u *teleshopping* ta' xorb alkoħoliku m'għandux jixxandar qabel id-9.00 ta' filgħaxija.

**2.2** M'għandux jintuża f'programm sponsorjat l-isem ta' xorb alkoħoliku bħala l-isem tal-isponsor qabel id-9.00 ta' filgħaxija.

**2.3** M'għandux jintuża l-isem tal-prodott alkoħoliku f'attività sponsorjata qabel id-9.00p.m.

### 3. PROTEZZJONI TAŻ-ŻAGĦŻAGĦ

**3.1** Reklamar għal u *teleshopping* ta' xorb alkoħoliku m'għandux ikun indirizzat lejn persuni ta' taħt it-18-il sena jew juża trattamenti li jkun jappella partikolarment għalihom.

**3.2** Reklamar għal jew *sponsorship* ta' xorb alkoħoliku m'għandux ikollu fih xi personalità li l-persuni ta' taħt it-18-il sena x'aktarx isegwu jew li jappella partikolarment għal persuni ta' taħt it-18-il sena.

**3.3** Tfal m'għandhomx jintwerew jew jinstemgħu f'reklamar għal u *sponsorship* ta' xorb alkoħoliku.

### 4. TRATTAMENTI INAĊETTABBLI

**4.1** Ir-reklamar u it-*teleshopping* m'għandux jimplika b'mod ovvju illi x-xorb huwa essenzjali għas-suċċess soċjali jew għal aċċettazzjoni jew li rifjut li tixrob huwa sinjal ta' djuġġfija. Lanqas m'għandu jimplika b'mod ovvju li r-riżultat

### 1. APPLICABILITY OF GUIDELINES

**1.1** These Guidelines shall be read in conjunction with paragraph 19 of the Third Schedule to the Broadcasting Act (Cap. 350 of the Laws of Malta), and shall apply principally to advertisements for alcoholic drinks and to teleshopping of alcoholic drinks. However the incidental portrayal of alcoholic consumption in advertisements or teleshopping for other products and services shall always be carefully considered to ensure that it does not contradict the spirit of these guidelines.

### 2. DISTRIBUTION OF ADVERTISEMENTS AND TELESSHOPPING FOR ALCOHOL

**2.1** Advertisements and *teleshopping* for alcoholic drinks shall not be broadcast before 9.00 p.m.

**2.2** In sponsored programmes, it shall not be permitted to use the name of an alcoholic drink as the name of the sponsor before 9.00p.m.

**2.3** It shall not be permissible to use the brand name of an alcoholic drink for a sponsored activity before 9.00p.m.

### 3. PROTECTION OF YOUNG PEOPLE

**3.1** Alcoholic drink advertising and teleshopping shall not be directed at people under 18 years of age or use treatments likely to be of particular appeal to them.

**3.2** Advertisements and teleshopping for alcoholic drinks shall not include any personality whose example people under 18 years of age are likely to follow or who has a particular appeal to people under 18 years of age.

**3.3** Children shall not be seen or heard in advertisements and teleshopping for alcoholic drinks.

### 4. UNACCEPTABLE TREATMENTS

**4.1** Advertisements and teleshopping shall not blatantly imply that drinking is essential to social success or acceptance or that refusal is a sign of weakness. Nor shall they blatantly imply that the successful outcome of a social occasion is



favorevoli ta' okazzjoni soċjali jiddependi fuq il-konsum tal-alkoħol.

dependent on the consumption of alcohol.

**4.2** Ir-reklamar u t-*teleshopping* m'għandux jissuġġerixxi illi xorb regolari solitarju huwa aċċettabbli jew li x-xorb huwa mezz biex isolv problemi personali.

**4.2** Advertisements and teleshopping shall not suggest that regular solitary drinking is acceptable or that drinking is a means of resolving personal problems.

**4.3** Ir-reklamar u t-*teleshopping* m'għandux jimplika li x-xorb huwa parti essenzjali mir-rutina ta' kuljum jew li jista' jġib bdil fil-burdata.

**4.3** Advertisements and teleshopping shall not imply that drinking is an essential part of daily routine or can bring about a change in mood.

**4.4** Ir-reklamar u t-*teleshopping* m'għandux jissuġġerixxi jew jimplika li x-xorb huwa ingredjent essenzjali ta' maskulinità jew ta' femminilità. Referenzi għal kuraġġ, *toughness* jew fanfarunata b'assoċjazzjoni għax-xorb mhumiex aċċettabbli.

**4.4** Advertisements and teleshopping shall not suggest or imply that drinking is an essential attribute of masculinity or femininity. References to daring, toughness or bravado in association with drinking are not acceptable.

**4.5** Ix-xorb alkoħoliku m'għandux jiġi reklamati jew imfisser fit-*teleshopping* fil-kuntest ta' kondotta aggressiva, anti-soċjali u irresponsabbli.

**4.5** Alcoholic drinks shall not be advertised or referred to in a teleshopping programme in a context of aggressive, anti-social or irresponsible behaviour.

**4.6** Ir-reklamar u t-*teleshopping* m'għandux juri jew jimplika b'kull mod konsum eċċessiv.

**4.6** Advertisements and teleshopping shall not depict or imply excessive drinking in any manner whatsoever.

**4.7** Ir-reklamar u t-*teleshopping* m'għandux juri x-xorb bħala terapewtiku, jew bħala stimulant, sedattiv, trankwillant jew sors ta' nutrizzjoni. Filwaqt li r-reklami jew it-*teleshopping* jistgħu jirreferu għal *refreshment* wara attività fiżika, m'għandhomx jagħtu l-impressjoni li l-prestazzjoni tista' tiġi mtejbja minħabba x-xorb.

**4.7** Advertisements and teleshopping shall not offer alcohol as therapeutic, or as a stimulant, sedative, tranquilliser or source of nourishment. While advertisements and teleshopping may refer to refreshment after physical performance, they shall not give any impression that performance can be improved by drink.

**4.8** Ir-reklami u t-*teleshopping* m'għandhomx jissuġġerixxu li x-xorb huwa preferibbli minħabba l-kontenut alkoħoliku għoli jew minħabba l-effett ta' sokor u m'għandux ipoġġi enfasi żejda fuq is-saħħa alkoħolika.

**4.8** Advertisements and teleshopping shall not suggest that a drink is preferable because of its higher alcohol content or intoxicating effect and shall not place undue emphasis on alcoholic strength.

## 5. SIGURTÀ

## 5. SAFETY

**5.1** Xejn f'reklam jew f-*teleshopping* m'għandu jippromwovi x-xorb waqt is-sewqan jew waqt li jkun qed jintuża makkinarju li potenzjalment ikun perikoluż.

**5.1** Nothing in any advertisement or teleshopping may promote drinking while driving or whilst using potentially dangerous machinery.

**5.2** Xorb alkoħoliku m'għandux jintwera qed jiġi kunsmat f'ambjent ta' post tax-xogħol.

**5.2** Alcoholic drinks shall not be seen to be consumed in a working place environment.

## 6. OFFERTI CUT-PRIZE, EĊĊ.

## 6. CUT-PRICE OFFERS, ETC.

**6.1** Referenzi għal *cut-price drinks*, *happy hour drinks*, ixtri tnejn u tingħata wieħed b'xejn, *money-off coupons* u reklami simili jew referenzi f-*teleshopping* li jinkoraġixxu l-konsum eċċessiv jew immoderat huwa inaċċettabbli. Il-bejjiegħa ta' xorb alkoħoliku jistgħu madankollu jirreferu

**6.1** Reference to "cut-price drinks", "happy hour drinks", "buy two and get one free", "money-off coupons" and similar advertisements or teleshopping that encourage excessive or immoderate consumption are unacceptable. Alcoholic drink retailers may however refer to





għal tnaqqis fil-prezzijiet għall-*istock* tagħhom. price reductions for their stock.

## **7. UMORIŻMU**

**7.1** Ir-reklamar u t-teleshopping jista' jkun umoristiku iżda mhux biex jaħrab mill-intenzjoni ta' dawn il-linji gwida.

## **7. HUMOUR**

**7.1** Advertisements and teleshopping may employ humour but not so as to circumvent the intention of these guidelines.

## **8. META MA JAPPLIKAWX DAWN IL-LINJI GWIDA**

**8.1** Dawn il-Linji Gwida m'għandhomx japplikaw għal kull reklam jew kampanja promozzjonali li jsiru biex jipperswadu lill-pubbliku li jieqaf milli jixrob b'mod eċċessiv jew immoderat.

## **8. NON-APPLICABILITY OF GUIDELINES**

**8.1** These guidelines shall not apply to any advertisements or promotional campaigns undertaken to dissuade the public from excessive or immoderate drinking.

**26 TA' LULJU 2005**

**26<sup>TH</sup> JULY 2005**



**LINJI GWIDA DWAR  
IS-SEHEM TA' NIES  
BLA ĦARSIEN XIERAQ  
FIL-MEZZI TAX-XANDIR**

**GUIDELINES REGARDING  
PARTICIPATION OF  
VULNERABLE PERSONS IN  
MEDIA PROGRAMMES**

## 1. PRINCIPJI ĠENERALI

**1.1** Kulmin itella' l-programmi għandu jaħrab kull xorta ta' sfruttament minn kull forma ta' ħarsien xieraq ta' dak li jkun, għal finijiet kummerċjali.

## 2. IN-NIES BLA ĦARSIEN XIERAQ

**2.1** Mhux faċli tagħmel lista tan-nies meqjusa jinħtiegu ħarsien xieraq għax din tista' tkun haġa permanenti jew marbuta ma' perijodu partikolari fil-ħajja ta' xi ħadd li normalment ma jintqiesx bħala dgħajef.

**2.2** F'dawn il-linji gwida nqisu bħala nies jinħtiegu ħarsien xieraq, lit-tfal, lill-anzjani li jkollhom xi problemi, lil dawk li jkunu vittmi ta' xi abbużi, l-aktar sesswali jew emozzjonali, u lil ċerti nies, għalkemm mhux kollha, li għandhom diżabbiltà fiżika jew mentali. Fost oħrajn nistgħu ngħoddu ma' dawn lill-ħabsin, lir-refuġjati, lill-vittmi ta' l-użura, tad-droga u ta' l-alkoħol.

Għall-fini ta' dawn il-Linji Gwida, "tifel/tifla" jew "tfal" jew "minuri", sakemm ir-rabta tal-kliem ma teħtiġx xort'oħra, ifissru persuna li ma tkunx għalqet l-età ta' tminatx-il sena.

**2.3** Dan it-terminu jgħodd ukoll għal dawk li minħabba ċ-ċirkostanzi tal-ħajja jistgħu jintqiesu bħala nieqsa mill-ħarsien xieraq għal ċertu żmien. Dawn jinkludu wħud minn dawk li jkunu bil-luttu għat-telfa ta' l-għeżiež tagħhom, dawk li tilfu x-xogħol jew li għandhom xi diffikultajiet fil-karriera, il-koppji li għaddejjin minn diffikultajiet kbar fir-relazzjoni bejniethom, dawk li għandhom diffikultajiet finanzjarji kbar, uħud minn dawk li qed iħabbtu wiċċhom ma' mard, kemm huma stess kif ukoll/jew l-għeżiež tagħhom u dawk li għal xi raġuni jew oħra jħossuhom mgħaffġa u mkissra f'ħajjithom għax għaddejjin minn żmien hażin ta' incertezza.

## 3. TAGHRIF PRATTIKU

### 3.1 Il-Kunsens ħieles u mgħarraf

**3.1.1** Qabel ma dawn in-nies jieħdu sehem f'xi programmi għax-xandir li b'xi mod fih tkun se tqum il-qagħda tagħhom, jinħtieġ li jagħtu l-kunsens ħieles u mgħarraf tagħhom. Dawk li

## 1. GENERAL PRINCIPLES

**1.1** Programme producers must avoid, for commercial purposes, all forms of exploitation of all vulnerable situations of anybody.

## 2. THE VULNERABLE PEOPLE

**2.1** It is not easy to compile a list of people considered to be vulnerable as it could be a permanent condition or one related to a particular period in the lifetime of someone who is not normally considered to be vulnerable.

**2.2** In these guidelines individuals considered to be vulnerable are children, senior citizens with certain problems, those involved in abusive relationships mainly sexual or emotional, and some, though not all, persons having a mental or physical impairment. Amongst others one could include prisoners, refugees, victims of usury, drugs and alcohol.

For the purposes of these Guidelines a "child" or "children" or a "minor", unless the context otherwise requires, means a person who has not attained eighteen years of age.

**2.3** This term also covers those who due to certain circumstances in life, are considered vulnerable for a given period of time. These include certain individuals who are mourning the loss of a loved one, people who have lost their job or are facing difficulties in their career, couples going through great difficulties in their relationship, people going through grave financial problems, those who are either themselves ill or involved with the sickness of their loved ones, as well as those who, for whatever reason, are feeling down, oppressed and generally going through a tough period of uncertainty.

## 3. PRACTICAL INFORMATION

### 3.1 Free and informed consent

**3.1.1** It is vital for such persons to give their informed consent in complete freedom before participating in programmes where their condition may be discussed. Programme



jtellgħu il-programm ma għandhom jisfurzawhom b'ebda mod biex jieħdu sehem. Meta min itella' l-programm, tat-televizjoni jew tar-radju, jitlob lil nies bla ħarsien xieraq jieħdu sehem, irid, sa fejn hu possibbli, ikun żgur li min ser jieħu sehem ikun jaf sewwa fiex dieġel u x'effett jista' jkollu fuq ħajtu l-fatt li jkun instama' u/jew intwera lill-eluf ta' nies. Dawk li jtellgħu il-programmi jridu jgħibu ruġhom bl-istess mod ma' min hu hekk dgħajjef li jinġtiegħ ħarsien u jitlobhom, kultant ukoll b'insistenza, biex jieħu sehem f'xi programm.

producers must not in any way pressurise these people to participate. When programme producers ask vulnerable persons to take part, they should, as far as possible, make sure that participants are fully aware of the effect their participation may have on their life, when they are exposed before thousands of viewers. Producers should take the same precautions even when they are approached – sometimes very forcefully – by vulnerable people themselves who offer to participate in such programmes.

Għall-ghoti tal-kunsens ma għandu jitwiegħed ebda xorta ta' kumpens jew benefiċċju finanzjarju lill-ġenituri jew lit-tuturi bl-iskop li jinfluwenzalhom id-deċiżjoni tagħhom biex dak li jkun involut jithalla jieħu sehem fil-programmi ta' min hu dgħajjef u jinġtiegħ ħarsien.

No financial inducement should ever be given to parents or guardians with the purpose of affecting their decision about whether to give their consent to the participation of vulnerable persons.

Persuna kwalifikata għandha iżżomm seduta qabel ma jixxandar il-programm fejn hija tispjega lill-persuna vulnerabbli l-implikazzjonijiet tal-partecipazzjoni f'programm u l-effetti li l-programm jista' jhalli fuq dik il-persuna vulnerabbli u/jew it-tfal tagħha, speċjalment jekk dawn ikunu tfal minuri. Dik is-seduta li tinżamm qabel ma jixxandar il-programm għandha, sa fejn ikun prattikabbli, tkun immexxija bl-aqas formalizmu possibbli u ssir f'ambjent li jilqek.

A qualified person should hold a pre-programme screening session with the vulnerable person in order to explain to such person the implications of programme participation and the effects the programme might have on such person and/or his/her dependents, particularly minor children. Such screening session should, as far as practicable, be carried out with the least formalities possible and in a welcoming environment.

**3.1.2** Dawk li jtellgħu il-programm fid-dmir ukoll li jiċċekkjaw ma' sorsi indipendenti, il-verità u l-eżattezza ta' l-istorja li jkunu saru jafu biha.

**3.1.2** Producers are in duty bound to check with independent sources the veracity and correctness of the stories reaching them.

**3.1.3** Meta d-dgħufija u l-ħarsien meħtieġa jkunu kbar, jiġifieri, meta wieħed ikun qed ibati ħafna, kif ukoll f'kull każ ta' tfal b'xi xorta ta' problemi, għandu jkun hemm persuna kwalifikata, indipendenti mit-tim li qed itella' l-programm, (ħaddiem soċjali, konsulent, psikologu, psikoterapewta jew psikjatra) biex tkellem u tispjega b'mod ċar lil dawn in-nies, l-implikazzjonijiet ta' sehemhom fil-programm. Min jagħti l-kunsens irid jifissirlu sewwa li f'dak il-programm qed iwarra il-jedd li għandu għall-privatezza tiegħu u li wara ma jkunx jista' jressaq każ għal ksur ta' l-istess privatezza.

**3.1.3** When a considerable level of vulnerability is involved, that is, when the person concerned is seriously suffering, as well as in the case of children with some problems, there should be a qualified person present (social worker, consultant, psychologist, psychotherapist or psychiatrist), independent of the team producing the programme, to meet these people and explain clearly to them what their participation in that programme entails. The person who gives consent must be made clearly aware that in giving that consent he/she is renouncing to the right of privacy and that later it will be impossible to file a complaint concerning a breach of privacy.

**3.1.4** Meta dawk li jinġtiegħ ħarsien ikunu ħadu jew qed jieħdu xi għajnuna psikoloġika, il-produttur għandu jibgħat lit-terapista tal-persuna vulnerabbli permezz ta' l-istess persuna ittra iffirmata fejn it-terapista jintalab jagħti lill-produttur kull kumment neċessarju tiegħu.

**3.1.4** When vulnerable persons have had or are still undergoing psychological support, the producer shall forward to the vulnerable person's therapist a signed letter, through the vulnerable person, so that the therapist provides the producer with any necessary feedback.

**3.1.5** Il-persuna kwalifikata li tkun qed tiegħu

**3.1.5** The qualified person should also be





ħsieb għandha wkoll tindaħal kulmeta min jinħtiegħ ħarsien ikun ser jingħata xi flus jew xi rigali kbar talli jieħu sehem. Jista' jigi f'każi bħal dawn li l-bżonn materjali jew ta' xort'oħra li jkunu ser jieħdu, iġegħilhom jissagrifikaw ix-xewqa u d-dritt tagħhom għall-privatezza. Ix-xandar għandu jiżgura li ma jsirx hekk.

involved whenever a vulnerable person would be compensated with money or gifts for participating. In such cases, material needs or other types of needs may lead the persons involved to sacrifice their desire for privacy. The broadcaster has to make sure this does not happen.

**3.1.6** Jekk il-persuna kwalifikata tistqarr li jkun aħjar jekk dawn in-nies li jinħtiegħ ħarsien ma jeħdux sehem fil-programm minħabba l-qagħda tagħhom, dawk li jtellgħu l-programm mistennija joqogħdu *dejjem* fuq dan il-parir fejn jidhlu t-tfal. Madankollu dawk li jtellgħu il-programm mistennija li fejn jidhlu l-kbar iquisu sewwa wkoll l-importanza ta' dan il-parir u normalment dejjem joqogħdu fuqu. Biss f'każi eċċezzjonali, meta dawk li jinħtiegħ ħarsien jinsistu li jieħdu sehem u jagħmlu dikjarazzjoni bil-miktub dwar dan, dawk li jtellgħu il-programm jistgħu jieħdu r-responsabbiltà li jistednuhom. F'dawn il-każi, dawk li jtellgħu il-programm iridu jibagħtu, qabel il-programm, lill-Maniġer tal-programm:

**3.1.6** If the qualified person states that it would be better if these vulnerable persons, due to their condition, do not participate in the programme, the producers of the said programme are expected always to abide by this advice where children are concerned. However the producers are expected to consider the importance of this advice where adults are concerned, and generally abide by it. Only in exceptional cases, when vulnerable persons insist on taking part and declare this in writing, can the producers take the responsibility to invite them. In similar cases the producers must, before the programme, send to the Manager:

i. kopja tal-parir tal-persuna kwalifikata, *kif ukoll*

i. a copy of the advice by the qualified person, *as well as*

ii. kopja tad-dikjarazzjoni ta' dak li jinħtiegħ ħarsien.

ii. a copy of the declaration made by the vulnerable person.

#### 4. L-IMĠIBA TAL-MEZZI TAX-XANDIR LEJN NIES JINħTIEĠU ĦARSJEN

#### 4. THE ATTITUDE OF THE MEDIA TOWARDS VULNERABLE PERSONS

##### 4.1 Sehem it-tfal waqt Programmi

##### 4.1 Children's Programme Participation

**4.1.1** Min itella' l-programmi fid-dmir jara li l-ġenituri tat-tfal ikunu konxji sew tal-konsegwenzi tal-partecipazzjoni tat-tfal tagħhom f'programm qabel mal-ġenituri jagħtu l-permess tagħhom. Fil-każ ta' tfal oħra li tkun diffiċli għalihom li jagħtu l-kunsens ħieles u infurmat tagħhom, il-permess għandu jintalab mingħand it-tuturi tagħhom. (Dan minbarra l-ħtieġa tal-parir ta' persuna kwalifikata skond kif hemm maħsub f'paragrafu 3.1.3).

**4.1.1** The producer is in duty bound to ascertain that children's parents are fully aware of the consequences of their children's participation before permission from these parents is given. In the case of other children for whom it would be difficult to give their free and informed consent, permission should be granted by their guardians. (Advice need however also be sought from a qualified person, as indicated in para. 3.1.3).

**4.1.2** Dawk li jtellgħu l-programm iridu jkunu żguri li għalkemm it-tfal jinħargilhom il-permess biex jieħdu sehem fil-programm dan isir fl-aħjar interessi tagħhom.

**4.1.2** Producers have to ascertain that although permission is granted to children to take part in a programme, this is allowed mainly for their benefit.

Min itella' l-programm għandu jaħseb fuq kollox fil-ħtieġa ta' ħarsien għal dawn it-tfal.

Producers should above all consider the need to protect children.

**4.1.3** Għalkemm il-ġenituri jew it-tuturi jkunu jridu lil uliedhom jieħdu sehem, min qed itella' l-programm irid jirrispetta x-xewqa tat-tfal jekk huma stess joġġezzjonaw li jieħdu sehem. F'każijiet bħal dawn għandha dejjem tidhol il-persuna kwalifikata biex tiċċertifika li l-proċess

**4.1.3** When parents or carers give their consent for the participation of children in their care, but the children themselves refuse, producers should respect the wishes of the children. In similar cases the qualified person should always be involved and asked to certify that the whole

sar skond il-proċeduri msemija f'dawn il-Linji Gwida.

process was carried out in accordance with the procedures laid down in these guidelines.

**4.1.4** Meta t-tfal ikunu protagonisti fi programm intenzjonat għall-kbar u mhux għat-tfal, il-parti tat-tfal trid tkun rekordjata.

**4.1.4** When children are the protagonists of a programme intended for adults and not for children, the children's parts have to be recorded.

**4.1.5** Meta fi programm jieħdu sehem it-tfal, dawk li jtellgħu l-programm iridu joqogħdu aktar attenti biex jiżguraw il-ħarsien ta' l-interessi tagħhom. Dawk li jtellgħu l-programm iridu joqogħdu attenti l-aktar li t-tfal ħafna iżgħar mill-oħrajn isibuha diffiċli biex jagħzlu bejn ir-realtà u l-fantazija kif ukoll mhux dejjem ikollhom il-ħila jagħrfu l-għajdut u s-seksik mill-verità.

**4.1.5** When children take part in a programme, the producers have to be extra-careful to ensure that the children's interests are properly safe guarded. The producers must pay particular attention to the fact that very young children find it difficult to discern between reality and fantasy and are not always able to choose between truth and gossip.

**4.1.6** M'għandhomx jixxandru programmi intiżi li jiżvelaw l-identità tal-ġenituri naturali tat-tfal, inkluż tfal addottati.

**4.1.6** Programmes aimed at establishing the identity of the natural parents of children, including adopted ones, may not be broadcast.

**4.1.7** L-istazzjon għandu jiżgura li meta tfal li jbatu minn xi tip ta' problema jkunu se jieħdu sehem f'programm, għandha tiġi kkuntattjata l-Aġenzija Appoġġ jew kull aġenzija speċjalizzata oħra awtorizzata mill-Awtorità ħalli tagħti l-approvazzjoni tagħha biex dik il-persuna vulnerabbli li tkun minuri tiegħu sehem u l-Aġenzija Appoġġ jew kull aġenzija speċjalizzata oħra awtorizzata mill-Awtorità għandha tfejji rapport bil-miktub biex jingħata lill-istazzjon konċernat.

**4.1.7** Whenever any child who has any form of problem participates in a programme, the station shall ensure that *Agenzija Appogg* or any other specialised agency authorised by the Authority is contacted for its clearance for the participation of such minor vulnerable person and that *Agenzija Appogg* or such other agency draws up a written report to be presented to the station in question.

Terġa' l-Aġenzija Appoġġ jew kull aġenzija speċjalizzata oħra awtorizzata mill-Awtorità għandha tingħata aċċess biex tissorvelja l-produzzjoni ta' programm f'kull fażi tiegħu jekk hija jidhrilha li jkun hekk neċessarju. Bl-istess mod it-tfal għandhom jingħataw ħarsien anke jekk ikunu l-ġenituri tagħhom u mhux huma stess li jidhru f'programm televiżiv u jkunu dawk il-ġenituri li jiddiskutu xi problema li b'xi mod ikollha x'taqsam direttament ma' l-istat tal-kuntentizza tagħhom.

Moreover, *Agenzija Appogg* or such other agency shall be given access to monitor programme production at any stage if it so deems necessary. Similarly, children should also be afforded protection even though it is their parents and not themselves who appear on a television programme and such parents discuss any problem which might in one way or another affect directly the well-being of their children.

**4.1.8** Ix-xandara għandhom, meta jkunu qed iħejju l-iskedi tal-programmi, iżommu quddiem għajnejhom li t-tfal għandhom id-dritt li jiġu mħarsa aktar minn kull persuna oħra. Normalment, għalhekk, it-tfal li jbatu minn xi problema m'għandhomx jiġu mistiedna biex jieħdu sehem f'programm fejn jiddiskutu l-problemi partikolari tagħhom. Bħala eċċezzjoni huwa permess il-każ fejn l-istazzjon ikun tal-fehma li jekk is-sehem tat-tfal ikun ta' ġid għalihom, l-istazzjon għandu allura jgħaddi dak il-każ lill-Aġenzija Appoġġ jew kull aġenzija speċjalizzata oħra awtorizzata mill-Awtorità skond ma jingħad fil-paragrafu ta' qabel dan. It-tfal għandhom jithallew jieħdu sehem f'dawk il-

**4.1.8** Broadcasters should bear in mind, when drawing up programme schedules, that children have a right to be safeguarded more than any other person. Hence, normally children who have some problem should not be invited to participate in a programme to discuss their own particular problems. By way of exception, should the station be of the opinion that a child's participation be beneficial to such child, then the station should refer such case to *Agenzija Appogg* or such other agency in terms of the preceding paragraph. Children should be permitted by stations to participate in such programmes only when the provisions of the preceding paragraph have been complied with.





programmi biss meta d-disposizzjonijiet tal-paragrafu preċedenti jkunu ġew osservati.

**4.1.9** Id-disposizzjonijiet tal-paragrafi 4.1.1 sa 4.1.8 għandhom japplikaw ukoll għal nies oħra bla ħarsien xieraq maġġorenni iżda li jkunu inkapaċitati skond id-disposizzjonijiet ta' l-artikolu 520 tal-Kodiċi ta' Organizzazzjoni u Proċeduri ċivili jew taħt il-kura u kustodja tal-ġenituri jew ta' tuturi.

#### **4.2 Riferenza għal terzi persuni**

Min jiġi għall-programm biex jgħid l-istorja tiegħu ma jistax jithalla jsemmi nies oħra li malajr jintgħarfu min huma iżda li ma jkunux hemm jew li ma jkunux taw il-kunsens tagħhom minn qabel biex jissemew. Ngħidu aħna, ma jistgħux jidhru nies u jithallew jgħidu li l-ġenituri, l-aħwa jew xi oħrajn ma għadhomx ikellmuhom u li huma jixtiequ jirrangaw magħhom mingħajr ma jirrispettaw id-dritt li dawn ma jissemewx jekk ma jkunux qalu "iva" minn qabel.

#### **4.3 Id-drittijiet tal-gruppi**

Dawk li jtellgħu l-programm għandhom jagħtu kas mhux biss id-drittijiet ta' l-individwu li jkun irid jieħu sehem fil-programm iżda wkoll tad-drittijiet ta' nies oħra li jkunu f'qagħda bħalu u m'humex fil-programm. Jista' jkun, ngħidu aħna, li min jidher fil-programm ikollu diżabbiltà li minhabba fiha jingħata xi benefiċċju personali, bħal xi għotja ta' flus. Dawk li jtellgħu l-programm għandhom b'kull mod jevitaw li din ma tiffexximx hażin u li dawn l-individwi la huma "vittmi" u lanqas "anġli". Dan jgħodd mhux biss għal dawk b'diżabbiltà iżda għal kull grupp ta' nies meqjusa jinftiegu l-ħarsien.

#### **4.4 L-użu ta' l-iffukar fil-qrib**

Bla dubju ta' xejn l-użu ta' l-iffukar fil-qrib jgħin biex programm televiżiv ikun aktar intimu u l-udjenza allura tħossha aktar qed tiegħu sehem fih. Iżda l-iffukar fil-qrib jista' wkoll jinvadi l-privatezza ta' dak li jkun. Minhabba f'hekk dawk li jtellgħu l-programm għandhom jaħarbu kemm jista' jkun l-użu ta' l-iffukar fil-qrib l-aktar meta dan jista' jintqies bħala invażjoni tal-privatezza jew meta jistgħu jispikkaw difetti fiżiċi, l-aktar fil-wiċċ.

#### **4.5 Anonimità**

Importanti li meta titwiegħed l-anonimità lil dawk li qed jieħdu sehem tinżamm b'mod strett għall-aħħar. Ħafna drabi jkun meħtieġ li biex jiġu protetti l-individwi, ix-xandir isir b'mod li l-persuni konċernati ma jkunux jistgħu jintgħarfu mill-pubbliku u xi drabi lanqas mill-ħbieb jew

**4.1.9** The provisions of paragraphs 4.1.1 to 4.1.8 shall also apply to other vulnerable persons who have reached majority age but are incapacitated in terms of the provisions of article 520 of the Code of Organisation and Civil Procedure or under parental care and custody or tutorship.

#### **4.2 Reference to third parties**

Participants invited in a programme to tell a story cannot be allowed to refer to persons who are easily identifiable but who would not be present in the studios or who would not have given their prior consent to be so mentioned. It is not acceptable, for instance, to have participants say that parents, brothers or sisters or other individuals are no longer on speaking terms with them and that they would like to be reconciled with them, without respecting the right such people have not to be mentioned if they would not have given their prior consent.

#### **4.3 Group rights**

Producers should care not only for the rights of the individual who is participating in a programme but also to the rights of others who are in similar situation but are not participating in the programme. It may be for example that an individual with a disability taking part may derive some personal benefit such as a cash gift. Producers should at all costs try to prevent that this is not misinterpreted and that these individuals are neither 'victims' nor 'innocent beings'. Producers should adopt this attitude not only to individuals with a disability but also to any group of individuals considered vulnerable.

#### **4.4 The use of close-ups**

The use of close-ups (CUs) undoubtedly helps to render a television programme intimate in style, thereby increasing audience participation. But CUs can also constitute an invasion of privacy. For this reason, producers should avoid CUs when these are reasonably considered to amount to an invasion of privacy or when there are facial/physical defects.

#### **4.5 Anonymity**

When participants are promised anonymity, it is important that this understanding is strictly adhered to. For individuals to be protected it is often necessary to conduct the programme in such a way that the person concerned cannot be recognized by the public in general and



saħansitra minn tal-familja.

sometimes not even by friends or family.

Biex dan ikun jista' jseħħ għali jkun meħtieġ li jinbidlu kemm il-viżiv kif ukoll l-awdjov. Sikwit ikun aħjar li jintuża leġen ieħor (*voice over*), fuq dak li jkun hemm, minn ħaddieħor jew minn attur, minflok titgħarraġ il-vuċi biex ma tingħarafx. Meta jiġri hekk tajjeb li l-udjenza tkun mgħarrfa bit-teknika użata.

In order to achieve this it is often necessary to change both the audio as well as the visual image. Very frequently it would be better to use a voice over by another person and/or utilize the services of an actor rather than use distortion. In such cases, the audience should be informed of the technique adopted.

#### **4.6 Persuni li jsofru minn mard terminali, eċċ.**

Persuni li jbatu minn mard terminali jew għandhom difetti fiżiċi naturali jistgħu jipparteċipaw fil-programmi meta s-sehem tagħhom x'aktarx ikun se jnissel tama u ispirazzjoni fl-udjenza li tarhom. Meta l-istazzjon jkollu l-biża' li l-effett prinċipali se jkun tnissil ta' sens ta' "jaħasra" allura m'għandhomx jieħdu sehem. L-istazzjonijiet għandhom jiġu gwidati mill-prinċipji tar-rispett lejn id-dinjità tal-bniedem/bniedma u għandhom jaħarbu milli jiffukaw fuq sitwazzjonijiet fejn it-tbatija tan-nies tiġi enfasizzata u sensazzjonalizzata bla bżonn.

#### **4.6 Persons suffering from a terminal illness, etc.**

Persons suffering from a terminal illness or from acute physical conditions may participate in programmes only when their participation is such as to instil hope and inspiration in audiences watching them. When the station fears that the principal effect of such vulnerable persons' participation will be such as to instil a sense of pity, such participation will not be considered permissible. Stations should be guided by the principle of respecting human dignity and avoiding focusing upon situations where people's suffering is unduly emphasised and sensationalised.

#### **4.7 Doorstepping**

Mhux permess li jsir *doorstepping* jew li tersaq bil-camera għal għarrieda fuq persuna vulnerabbli dwar kull ħaġa li għandha x'taqsam mal-vulnerabbiltà tagħha u l-istazzjonijiet għandhom joqogħdu ferm 'il bogħod milli jiġibu rwieħhom b'dan il-mod.

#### **4.7 Doorstepping**

Doorstepping or the approaching without any prior notice of any vulnerable person with regard to anything concerning his/her vulnerability shall not be permissible and stations shall desist from such conduct.

L-anqas m'għandu jkun hemm *doorstepping* fejn terzi persuni jintalbu jikkummentaw dwar il-vulnerabbiltà ta' kull persuna vulnerabbli.

Nor shall doorstepping be allowed where third parties are requested to comment on the vulnerability of any vulnerable person.

#### **4.8 Tifsir ta' dawn il-Linji Gwida**

L-istazzjonijiet għandhom jiżguraw li fit-tifsira li tingħata lil dawn il-Linji Gwida huma għandhom iħarsu lejn l-ispirtu tagħhom u kull tifsir mogħi lilhom għandu dejjem ikun fl-aħjar interess tal-persuna vulnerabbli.

#### **4.8 Interpretation of Guidelines**

In the interpretation of these guidelines, stations should ensure that the spirit of these guidelines is adhered to and any interpretation given should always be in the best interest of the vulnerable person.

**27 TA' SETTEMBRU 2005**

**27<sup>TH</sup> SEPTEMBER 2005**



**LINJI GWIDA DWAR  
IR-RAPPURTAR TA' AHBARIJET  
U L-PRODUZZJONI TA' PROGRAMMI  
DWAR IT-TWETTIQ TA' REATI,  
L-INVESTIGAZZJONI TAGĦHOM  
U L-PROĊESS ĠUDIZZJARJU**

**GUIDELINES ON THE  
REPORTING OF NEWS  
AND THE PRODUCTION OF PROGRAMMES  
ON THE COMMISSION OF OFFENCES,  
THEIR INVESTIGATION  
AND COURT PROCEEDINGS**

**INTRODUZZJONI**

Fir-rappurtar ta' aħbarijiet u l-produzzjoni ta' programmi dwar it-twettiq ta' reati, l-investigazzjoni tagħhom u l-proċess ġudizzjarju l-ġurnalista għandu jaġixxi fl-ispirtu ta' dawn il-linji gwida.

**PRINĊIPJI ĠENERALI**

Dawn il-prinċipji bażici għandhom jispiraw il-ġurnalista li jaħdem f'dan il-qasam:-

1. Id-dritt fundamentali tal-libertà ta' l-espressjoni jinkludi d-dritt li dik l-espressjoni tiġi mxandra u komunikata lil ħaddieħor.
2. Id-dritt fundamentali tal-libertà ta' l-espressjoni mhux assolut imma hu limitat b'eċċezzjonijiet li għandhom ikunu raġonevolment ġustifikati f'soċjetà ħielsa u demokratika.
3. Min jaqdi funzjoni pubblika għandu jirrispondi għal mod kif jaġmel dmiru. Dwar dan hu mhux biss ma jgawdi l-ebda dritt għal privatezza imma għandu jistenna illi l-*media*, bħala għassiesa ta' l-interess pubbliku, tkun attenta u kritika ta' l-operat tiegħu.
4. Il-protezzjoni tad-dritt tal-privatezza ta' l-individwu tibqa' valur rilevanti f'soċjetà demokratika. Fil-waqt li hu inevitabbli illi l-pubblicità li jipprovokaw t-twettiq tar-reat u l-proċess ġudizzjarju dwaru tinwadi f'ċerta miżura l-privatezza tal-protagonisti, hu prinċipju kostituzzjonali illi la l-Istat u lanqas il-pubbliku ma għandhom xi dritt awtomatiku li jkollhom aċċess għall-ħajja privata jew informazzjoni intima dwar individwi. Fil-kuntest taħt eżami huma għandhom biss dritt għal dan jekk id-dettalji dwar l-individwu jkunu rilevanti għall-fatti tad-delitt li jinteressaw lis-soċjetà.

**INTRODUCTION**

In the reporting of news and the production of programmes on the commission of offences, their investigation and court proceedings journalists should comply with the spirit of these guidelines.

**GENERAL PRINCIPLES**

These basic principles should inspire journalists who carry out duties in this sector:-

1. The fundamental right to freedom of expression comprises the right to have that expression broadcast and communicated to others.
2. The fundamental right of freedom of expression is not absolute but is limited by exceptions that have to be reasonably justified in a free and democratic society.
3. A person acting in a public capacity should be answerable to the public for the way he/she carries out his/her duty. In this respect not only is the person not entitled to any privacy but he/she should expect the media, as the guardian of public interest, to be alert and critical of his/her actions.
4. The individual's right to privacy is a value which must be protected in a democratic society. Whilst it is inevitable that the publicity provoked by the commission of an offence and the judicial trial which follows, to a certain extent invades the privacy of the protagonists, it is a constitutional principle that neither the State nor the public have an automatic right of access to the individual's private life or to intimate information concerning him/her. Right of access, in the context under examination, is permissible only if the details to be published are relevant to the facts of the offence.





5. Il-ġurnalista għandu d-dover li jirrispetta d-dritt ta' privatezza ta' individwi involuti fil-proċess kriminali speċjalment dawk vulnerabbli. Mill-banda l-oħra kull limitazzjoni f'dan ir-rigward għandha tassigura illi tkun ta' l-inqas indfih possibbli fid-dritt tal-pubbliku li jkun mgħarraf b'dak li jkun qed isir waqt il-proċess kriminali u kif ikunu qed iġibu ruħhom dawk li jipparteċipaw fih.
6. Is-sistema ta' gvern f'demokrazija huwa wieħed bażat fuq it-trasparenza u l-pubbliċità. Fil-qasam tal-ġustizzja din il-pubbliċità u trasparenza mhux biss hija fl-interess tas-soċjetà u tal-vittmi tad-delitt imma ukoll u aktar fl-interess ta' l-istess akkużat. Huma fil-fatt l-aqwa garanzija illi persuna ma tiġix mixlija bla ftija u li l-akkużat jiġi mogħti smiegħ xieraq u ġust.
7. Element essenzjali ta' din il-pubbliċità u trasparenza huwa l-fatt illi l-amministrazzjoni tal-ġustizzja tkun taħt l-iskrutinju attent u kostanti ta' l-opinjoni pubblika. Tali skrutinju jimmanifesta ruħu bl-aktar mod reali u effettiv fl-attenzjoni ġenerata mill-interess tal-*media* fuq ir-reati li jsejtnu u l-opinjoni jiet li l-ġurnalisti jipprovokaw.
5. The journalist is in duty bound to respect the right to privacy of individuals involved in criminal trials particularly of those who are vulnerable. On the other hand every limitation within this sphere must ensure that it would involve the least possible interference in the right of the public to be informed of the trial proceedings and how the participants in it are behaving.
6. Transparency and publicity are hallmarks of a democratic system of government. In the administration of justice such transparency and openness not only serve the interests of society and of the victims of crime but more importantly also those of the accused. They are, in fact, the best guarantee that a person is not unjustly accused and that he/she is given a fair and just hearing.
7. An essential element of this openness and publicity is the fact that the administration of justice is under constant and careful scrutiny of public opinion. Such scrutiny manifests itself in a real and effective manner through the attention which the media generates on the offences committed as well as the opinions provoked by journalists.

### KUNSIDERAZZJONIJIET ĠENERALI

### GENERAL CONSIDERATIONS

Minn dan jitnisslu dawn il-konsiderazzjonijiet ġenerali:

The following general considerations emanate from the above:

1. Il-kommunikazzjoni lill-pubbliku mill-ġurnalista tal-fatti dwar aġir anti soċjali u reati kif ukoll l-investigazzjoni tagħhom huma parti integrali mid-dritt fundamentali tal-libertà ta' l-espressjoni. Hekk ukoll huwa x-xandir ta' fehmiet maħsuba biex jiffurmaw l-opinjoni pubblika dwar dawn il-fatti.
2. Dan id-dritt fundamentali għandu bħala regola jiġi mħares u jista' biss jiġi limitat eċċezzjonalment meta hu meħtieġ li jiġi rikonċiljat u bilanċjat ma' drittijiet fundamentali oħra. Il-pubbliċità li tirriżulta mix-xogħol tal-ġurnalista f'dan il-qasam, jekk magħmul b'responsabbiltà, tista' tkun ta' ġid mhux biss għall-amministrazzjoni tal-ġustizzja u l-ordni soċjali imma wkoll għall-istess persuna li l-ewwel tkun taħt suspett li ikkommettiet ir-reat, li eventwalment tiġi akkużata li ikkommettietu u dwaru proċessata. Sakemm tiġi ddikjarata ħatja
1. A journalist who communicates to the public facts concerning anti-social behaviour and offences as well as their investigation, exercises an integral part of the fundamental right of freedom of expression. The broadcasting of opinions intended to educate and inform the public about such facts is likewise considered to be an exercise in freedom of expression.
2. This fundamental right should as a rule be safeguarded and can only be exceptionally curtailed when it is required to be reconciled or balanced with other fundamental rights. Publicity resulting from journalistic work which is undertaken with a sense of responsibility can be of benefit not only to the administration of justice and the social order but also to the very person who is first suspected of committing the offence and eventually accused and tried for such offence. Until found guilty by a competent court the





minn qorti kompetenti dik il-persuna għandha tkun ppreżunta li hi innoċenti. Il-ġurnalists hu obligat jirrispetta dik il-preżunzjoni ta' innoċenza u huwa fl-obbligu li fix-xogħol tiegħu ma jagħmel xejn biex xjentament itappanha.

person should be presumed innocent. The journalist is in duty bound to respect this presumption of innocence and, in the course of his/her work, must not deliberately do anything to obscure it.

3. Bħala regola għalhekk fiha u xejn mhu eskluż mill-pubbliċità li tirriżulta b'konsegwenza ta' l-eżerċizzju tad-dritt fundamentali għal-libertà ta' l-espressjoni mill-mezzi ta' komunikazzjoni. It-tħaddim ta' sistema ġudizzjarju u l-operat tal-ġudikant ma jgawdux minn xi immunità jew protezzjoni f'dan ir-rigward.
4. Is-sistema ġudizzjarju hu mibni kollu kemm hu fuq il-prinċipju tal-pubbliċità. Il-proċess għandu jsir bil-miftuħ u allura suġġett għall-iskrutinju ta' l-opinjoni pubblika. Huwa biss eċċezzjonalment li l-ġudikant jista' f'każijiet speċifiċi, l-aktar biex jiġi protetti persuni vulnerabbli u biex ikunu mħarsa l-interessi tal-ġustizzja u l-ġid komuni, jillimita l-pubbliċità li jista' jingħata l-proċess jew parti minnu.
5. Il-limitazzjonijiet għall-eżerċizzju ta' dan id-dritt mill-ġurnalists għandhom ikunu immirati biss biex jassiguraw li ma jiġix vjolat id-dritt ta' l-akkużat għall-proċess ġust minn qorti imparzjali u indipendenti. L-akkużat f'dan il-kuntest għandu jiġi definit bħala persuna li tkun identifikata li tkun taħt suspett li setgħet ikkommettiet id-delitt. Mhux meħtieġ li tkun ġiet imressqa quddiem qorti u akkużata. Id-dritt fundamentali għall-proċess ġust jiskatta fil-mument meta jkun aċċertat li persuna tkun taħt suspett fondat li setgħet wetqet ir-reat. Konsegwentament il-ġurnalists għandu minn dak il-mument jirrispetta dan id-dritt fundamentali li għandu dak l-individwu.
3. As a rule therefore nothing and nobody is excluded from publicity that results as a consequence of the exercise of the fundamental right of freedom of expression by the mass media. The judicial system and the judiciary do not enjoy any immunity or protection in this regard.
4. Our judicial system is completely based on the principle of publicity. The trial must be open to the public and therefore subject to the scrutiny of public opinion. Only exceptionally and in specific cases, mainly to protect vulnerable people and to safeguard the interests of justice and the common good, may the judge limit the publicity to be given to a trial or to a part of it.
5. Any limitations on the journalist's right to exercise freedom of expression should only be aimed at ensuring that there is no violation of the right of the accused to a fair trial by an impartial and independent court and to ensure that vulnerable persons are duly protected. The accused in this contest should be understood to mean the person identified and suspected of having committed the offence and not necessarily accused or arraigned in court. The right to a fair trial starts immediately it is ascertained that the person is strongly suspected to have committed the crime. Consequently from that moment on the journalist must respect this fundamental right to which that individual is entitled.

#### STADJI DIFFERENTI

Dawn huma l-istadji differenti fix-xogħol ta' ġurnalists f'dan il-qasam li għalihom japplikaw kriterji diversi:

1. L-istadju ta' l-aċċertament tal-fatti dwar it-twetiq tar-reat;
2. L-istadju ta' l-investigazzjoni tiegħu;
3. L-istadju ta' l-identifikazzjoni ta' min seta' ikkommetta r-reat;

#### DIFFERENT STAGES

These considerations lead to the identification of the different stages of the journalists' work in this field for which different criteria apply, these being:

1. Ascertaining the facts regarding the commission of the offence;
2. Investigating the case;
3. Identifying the possible perpetrator of the offence;

4. L-istadju ta' meta dik il-persuna titressaq quddiem qorti kompetenti;
5. L-istadju tal-proċess; u
6. L-istadju ta' wara l-proċess.

4. Arraignment of the suspected person before a competent court;
5. the trial proceedings;
6. the 'post trial' stage;

#### 1. L-istadju ta' l-aċċertament tal-fatti tat-twettig tar-reat

Il-ġurnalista hu friegħ li jirraporta l-fatti li għaw, kif irriżultat wara indaġni serja u bir-reqqa. L-xandir tal-fatti fil-prinċipju ma jista' jippreġudika lil hadd. L-unika eċċezzjoni f'dan ir-rigward hi l-pubblikazzjoni ta' informazzjoni magħmula bil-ħsieb li tfixx l-investigazzjoni biex jiġi stabbilit min kien wettqat ir-reat. F'dan ix-xogħol il-ġurnalista għandu jkun iggwidat b'sens ta' responsabbiltà konxju bħal kull ċittadin ieħor tad-dmīr li jħares il-ġid u sigurtà komuni. Il-ġurnalista għandu d-dritt li jkun kritiku fejn ikollu suspett fondat illi daww fl-awtorità ikunu qed jonqsu fid-doveri tagħhom intenzjonalment jew minħabba inkompetenza u, fil-proċess, ikunu qegħdin jimminaw il-kors tal-ġustizzja billi jaħbu jew jissoprimu l-fatti.

#### 1. Ascertaining the facts regarding the commission of the offence

The journalist is obviously free to report the facts as they result from serious and careful investigation. Broadcasting the facts should not, in principle, prejudice anybody. The only exception to this however is the publication of information with the intention of hindering the investigations to establish who committed the offence. In this respect the journalist should be guided by a sense of responsibility conscious of the duty, as in the case of every other citizen, to safeguard the well being and security of all. The journalist has a right to criticize the authorities where there is good reason to suspect that these are not doing their duty, either intentionally or because of incompetence and, in so doing, are undermining the course of justice by suppressing or hiding facts.

#### 2. L-istadju ta' l-investigazzjoni

Dak li ingħad għall-istadju preċedenti japplika wkoll għal dan l-istadju. Il-ġurnalista jista' jkollu funzjoni importanti fil-kors ta' l-investigazzjoni dwar it-twettig tar-reat u min kien responsabbli għalih. F'dan jista' jkun ta' għajjuna kbira billi jifta' daww fuq aspetti li l-pulizija tkun inorjat jew skartat. F'dan l-istadju l-ġurnalista ma għandu, fil-prinċipju, l-ebda limitu fuq min u fuq liema fatti konnessi mar-reat jista' jindaga u jikkumenta sakemm dan isir bi prudenza skond iċ-ċirkostanzi tal-każ u bla ma tiġi mfixkla l-investigazzjoni.

#### 2. Investigating the case

The assertions made in the previous stage apply also here. The journalist could have an important role to play in the course of the investigation to establish who was responsible for the crime. In this respect the journalist could be of great help in shedding light on certain aspects which the police might have ignored or discarded. At this stage the journalist, in principle, has no limits as to whom or what facts he may investigate, publish or comment about in connection with the case, so long as he/she exercises care and restraint when acting in accordance with the circumstances of the case and does not hinder the investigation.

Dan japplika biss sa meta ma jkunx hemm persuna suspettata li wettqet ir-reat, f'liema żmien il-ġurnalista hu obbligat illi jagħti kas ta' dik iċ-ċirkostanza u jagħti piż debitu lil prinċipju li dik il-persuna għandha tiġi preżunta li hija innoċenti sakemm tiġi misjuba ħatja. Il-ġurnalista jibqa' dejjem obbligat f'dan l-istadju li jirrispetta d-drittijiet tal-persuni kollha li huma b'xi mod involuti fil-każ u ma għandux ixandar fatti jew jikkumenta dwar fatti li ma humiex strettament rilevanti għar-reat u iċ-ċirkostanzi li fihom seħħ. Dan japplika aktar u aktar għall-vittima u l-familjari tar-reat, għall-familjari ta' l-istess persuna suspettata u għall-persuni li jistgħu jissejju biex jixhdu.

This only applies so long as no one suspected of committing the offence, when the journalist is bound to give due weight to the principle that a person should be considered innocent until found guilty. The journalist is always bound, at this stage, to respect the rights of all the persons who in any way may be involved in the case and should not reveal or comment about facts that are not strictly relevant to the offence and the circumstances under which it happened. This applies even more so to the victim of the offence and next of kin, as well as to the family of the suspected person and to all others that could be called as witnesses.





Il-ġurnalista fl-istadju ta' meta r-reat ikun għadu qed jiġi nvestigat jista' jiġi rinfaċċjat b'ordnijiet tal-qorti maħsuba biex l-investigazzjoni ma tiġix imfixxkla, iżda li jkollhom l-effett li jillimitaw l-attività tal-ġurnalista. Il-ġurnalista hu obbligat jobdi dawk l-ordnijiet u jekk jonqos jista' jinstab ħati ta' disprezz lejn l-awtorità tal-qorti. Dan ma jfissirx illi l-ġurnalista huwa prekluz mill-jikkumenta dwar il-korrettezza u l-validità ta' tali ordni jew anke li jikkontesta dik l-ordni.

This means therefore that even at the stage when the offence is being investigated the journalist may be presented with court orders meant to avoid hindering the investigation but which could result in curtailing his/her activity. In such instances the journalist is bound to obey such court orders, failing which he/she could be found guilty of contempt of court. This does not mean that the journalist is precluded from commenting on the correctness and validity of such an order or from contesting it in court.

### 3. L-istadju ta' l-identifikazzjoni ta' min seta' kkommetta reat

### 3. Identifying the perpetrator of the offence

Meta, fil-kors ta' l-investigazzjoni, jirriżulta illi tkun giet identifikata persuna li tqegħdet taħt suspett raġonevoli li setgħet kienet l-awtur tar-reat, il-ġurnalista għandu jkun mill-ewwel konxju illi l-fatti li jirraporta u l-kummenti li jagħmel dwar dawk il-fatti bl-ebda mod ma għandhom jippreġudikaw id-dritt ta' dik il-persuna għall-smiegħ xieraq. Dan hu l-istadju l-aktar delikat fix-xogħol tal-ġurnalista fi żmien meta ma jkunx hemm direzzjoni ta' qorti maħsuba propju biex tassigura proċess ġust.

When during the course of investigation a person is identified as reasonably suspected to have committed the offence, the journalist should immediately be conscious that whatever he/she reports and comments on the case should not prejudice the right of that person to have a fair hearing. This becomes, in these circumstances, the most delicate phase in the work of a journalist and this at a time when there is no direction from the Court purposely intended to ensure a fair trial.

F'dan l-istadju l-ġurnalista hi x'inhi l-fehma tiegħu u anke jekk din tirriżulta mill-investigazzjoni tiegħu ma għandux, bħala regola, jidentifika persuna li tkun taħt suspett li kkommettiet ir-reat. Dan ma għandux jagħmlu la direttament billi jsemmi ismu/isimha u lanqas billi jxandar biżżejjed dettalji dwaru/dwarha jew dwar iċ-ċirkustanzi li fihom seħħ ir-reat li minnhom tali persuna setgħet tiġi identifikata. Lanqas ma jista' jagħmel dan b'mod indirett b'referenza għal xi membru tal-familja tiegħu/tagħha, ħbiebu/ħbiebha jew nies viċin tiegħu. L-identifikazzjoni tal-persuna f'dan l-istadju tista' tikkaguna ħsara irreparabbli lir-reputazzjoni tagħha u tal-familja tagħha, kif ukoll rovina ekonomika u soċjali. }sara li diffiċilment tiġi msewwija bil-fatt li s-suspett li kien hemm fuqu/fuqha eventwalment jitneħħa. Hu biss eċċezzjonalment illi persuna taħt suspett tista' tiġi identifikata mingħajr ma jiġi indikat li dik il-persuna hija suspettata ta' involviment fit-twettiq tar-reat. Hekk pereżempju dan jista' jsir meta tali identifikazzjoni tkun ta' għajjnuna għall-istess persuna taħt suspett billi tħajjar 'il min jagħti nformazzjoni li tiskolpah.

Whatever the views of the journalist at this stage, even if formed as a result of his/her own investigations, he/she should not, as a rule, identify any person who is under suspicion of having committed the offence. He/she should not do this directly, either by mentioning the name or by publicising details about the person or indirectly by publishing the circumstances of the crime by means of which the person can be identified. He/she can neither do this indirectly, by referring to a member of the family, friends, or persons close to the suspect. The identity of the person at this stage can cause irreparable damage to the person's reputation or to that of his/her family as well as cause economic and social ruin which can hardly be remedied by the eventual removal of suspicion. It is only exceptionally that a suspected person can be identified without however indicating that that person is suspected of being involved in the commission of an offence. This could take place, for instance, where such identification could help the suspected person by encouraging someone to come forward and give information which would exonerate him/her from any guilt.

Ċirkustanza oħra fejn l-identifikazzjoni tal-persuna taħt suspett, anke b'isimha, hi permessa u tista' wkoll tkun fl-interess pubbliku, hi dik fejn dik il-persuna tkun qed tiġi mfittxija mill-pulizija, fejn ikun hemm riskju li r-reat jerga' jiġi kommess u fejn ikun hemm perikolu ċar ta'

Another instance where identification of the suspected person is allowed, even by naming, and which could also be in the public interest, is when the police are looking for that person, where there is a risk that the crime can be committed again and where there is an obvious

ħsara lill-persuna u propjetà ta' ħaddieħor. F'dawn iċ-ċirkustanzi però hu għaqli li l-gurnalist jagħxi b'ko-operazzjoni mal-pulizija. Jista' wkoll ikun permess illi f'ċirkustanzi bħal dawn, jigi pubblikat ritratt jew identikit tal-persuna, taħt suspett li għandha dejjem tiġi deskritta bħala persuna li qed tkun mitluba biex tassisti l-pulizija fl-investigazzjonijiet tagħha u mhux bħala persuna suspettata li kkommettiet ir-reat.

danger to other persons or to the property of others. In these circumstances however it is wise for the journalist to act in cooperation with the police investigating the case. It may also be permissible, in similar circumstances, to publish a photograph or identikit of the person under suspicion who has however at all times to be described as a person helping the police in its investigations and not as the person suspected of having committed the offence.

Il-gurnalist jibqa' liberu li jinvestiga l-fatti tal-każ, li jagħmel rikostruzzjoni tiegħu, li jikkongettura fuq id-diversi aspetti tiegħu. Jista' jagħmel dan però mingħajr ma jiffa' ombra ta' ħtija fuq xi persuna taħt suspett. Lanqas jista' jirraporta bħala fatt jekk tali persuna tkunx għamlet xi stqarrija mal-pulizija jew band'oħra li fiha ammettiet il-ħtija. Dikjarazzjonijiet bħal dawn għandhom jirċievu pubbliċità biss tul il-proċess quddiem il-qorti u x-xandir tagħhom qabel jista' jippreġudika d-dritt ta' l-akkużat għall-proċess ġust. F'każ li l-persuna li tkun suspetta minn rajha tghid hija stess li hija suspettata u tirribatti fil-pubbliku dan u tistieden lill-gurnalist biex jisma' n-naha tagħha allura l-gurnalist jista' jippubblika dan il-fatt. Dan il-fatt iżda ma kellux ikun provokat minn aġir ta' gurnalist.

The journalist remains free to investigate the facts, to reconstruct the story and to conjecture on various aspects of the case. This can only be done however without attributing guilt to any suspected person. He/she cannot report as a fact that someone had made a statement to the police or elsewhere, admitting his/her guilt. Such declarations should be made public only during the trial in court as making them public earlier may prejudice the right of the accused to have a fair trial. Where a suspected person publicly and voluntarily discloses that he/she is so suspected, rebuts any allegations made against him and invites journalists to cover his/her view of events, the journalist is at liberty to cover such fact, provided that such suspected person's behaviour is not the result of a journalist's instigation.

Il-gurnalizmu nvestigattiv tar-reat fl-ebda ħin u bl-ebda mod ma għandu jtendi biex jifforma l-opinjoni pubblika dwar l-innoċenza jew il-ħtija ta' persuna suspettata. Wisq anqas għandu jissostitwixxi l-proċess ġudizzjarju. Għall-istess raġuni l-gurnalist għandu joqgħod attent illi ma jagħtix il-fehma tiegħu dwar id-difiża li l-persuna suspettata tista' toponni għall-akkuża, jekk u meta titressaq quddiem il-qorti. Wisq anqas jista' jesprimi ruħu dwar jekk fil-fehma tiegħu dik il-persuna kinetx ħatja jew le.

Investigative crime journalism should never tend to form public opinion about the innocence or guilt of a suspected person. Still less should it substitute the judicial process itself. The journalist should for this same reason be very careful not to express his/her views on the defence of the suspected persons could oppose to the charge if and when that person is arraigned in court. Worse still the journalist should not express his views as to whether the person was guilty or not.

Filwaqt li, kif ingħad, ma hemm xejn xi jżomm lill-gurnalist milli jagħmel rikostruzzjoni tal-fatti tar-reat u l-aspetti varji tiegħu, hu għandu jagħmel dan kemm jista' jkun mingħajr referenza diretta għall-persuni li jistgħu jkun xhieda fil-proċess. Darba li tkun giet identifikata persuna taħt suspett li kkommettiet ir-reat, dawn ix-xhieda potenzjali ma għandhomx jiġu identifikati, direttament b'isimhom u lanqas mod ieħor. M'għandhomx jixxandru intervisti li jsiru magħhom u dan anke jekk huma stess joffru li jagħmlu dan. Il-ġustizzja titlob illi huma jixhdu quddiem il-qorti fejn dak li jgħidu jkun suġġett għall-kontroll u verifika mhux biss mill-avukati tad-difiża u tal-prosekuzzjoni imma wkoll mill-ġudikant. Jista' jigi mxandar biss dak li xhieda jkun personalment raw jew semgħu bla referenza għal ismijiet jew persuni.

Whilst, as has been already stated, there is nothing to stop the journalist from reconstructing the facts of the crime and its various aspects, he/she should endeavour to do this- without direct reference to persons that could possibly be witnesses in the trial. Once the person suspected of committing the offence has been identified, potential witnesses should not be identified directly by their name or otherwise. Still less should they be interviewed, even if they themselves offer to be interviewed. Justice demands that these should give evidence in court where their statements are subject to verification and control not only by the defence and prosecution lawyers but also by the judge. It is only what the witnesses personally saw or heard without any reference to names and persons which can be broadcast.







#### 4. L-Istadju ta' meta dik il-persuna taħt suspett titressaq quddiem qorti kompetenti

Fil-mument li fih il-persuna taħt suspett titressaq quddiem il-qorti u tiġi akkużata li kkommettiet ir-reat hemm bidla radikali fin-natura tax-xogħol tal-ġurnalista interessat f'dawk il-fatti kriminali. L-attenzjoni tiegħu tiġi bħala regola spustata mill-investigazzjoni ta' dawk il-fatti u f'idma biex jiġi stabbilit min kien responsabbli li wettaq ir-reat għal fuq il-proċess fil-qorti biex jiġi stabbilit jekk dik il-persuna taħt suspett kinetx verament haġja.

Id-divjet ta' xandir ta' dak li jiġri f'proċess ġudizzjarju hu ġeneralment rikonoxxut bħala limitazzjoni tad-dritt fundamentali tal-libertà ta' l-espressjoni, ġustifikata biss bħala regola jekk ikun hemm possibiltà li x-xandir ta' dik l-informazzjoni fuq l-allegat reat jew il-persuna li wetqithu tista' tillimita u tippregudika l-opportunità ta' proċess ġust jew jekk dak li jixxandar jista' jkun ta' ħsara lill-persuni vulnerabbli. Il-ġurnalista hu, fl-ewwel lok, obligat illi jobdi l-ordnijiet ta' qorti f'dan ir-rigward. Għandu bħal faddieħor jobdi r-regoli u ma jistax jippretendi illi d-dritt fundamentali tiegħu għal-libertà ta' l-espressjoni huwa iżjed wiesgħa jew għandu anqas limitazzjonijiet minn dak ta' kull individwu ieħor. L-ordnijiet tal-qorti għandhom jiġu obduti kemm fil-kelma kif ukoll fl-ispiritu. Il-ġurnalista ma għandux allura jaġixxi b'mod li, filwaqt li josserva l-kelma ta' l-ordni, jinnewtralizza l-ispiritu tagħha b'dak li jxandar.

Il-ġurnalista jibqa' dejjem fil-libertà illi b'responsabbiltà u oġġettività jikkontesta l-ordnijiet tal-qorti fil-kondotta tal-proċess inkluż dak li jillimita d-dritt tiegħu li jirraporta dak li qed jiġri fil-proċess u li jikkumenta dwaru. Għandu d-dritt li jinvestiga jekk tali ordni hijiex in-eċċess ta' dik strettament meħtieġa, jekk il-protezzjoni li joffri lill-akkużat, lix-xhieda jew persuni oħra nvoluti fil-proċess hijiex sproporzjonata għad-dritt tal-pubbliku li jkun jaf x'qed isir fl-awla tal-qorti u kif il-proċess qed jiġi kondott. Għandu dritt jindaga per eżempju jekk l-ordni tikkostitwixxi abbuż ta' poter ġudizzjarju jew hijiex rifless ta' abbuż tal-poter eżekuttiv; jekk hijiex verament meħtieġa biex tippoteġi d-drittijiet ta' faddieħor jew tas-soċjetà in ġenerali u jekk tippregudikax id-dritt għall-proċess pubbliku, ġust u ekwu ta' l-akkużat.

#### 5. L-Istadju tal-proċess ġudizzjarju u s-sentenza relattiva

F'dan l-istadju l-ġurnalista huwa bħala regola liberu li jirraporta dak kollu li jsir fil-qorti sakemm

#### 4. Arraignment of the suspected person in a competent court

The journalist's work in connection with the investigation of the criminal facts of the case undergoes a radical change as soon as a suspected person is arraigned in court and is accused with the commission of the offence. As a rule this investigation of the facts and work to establish who was responsible for the offence shift to the court proceedings which establish whether the suspected person is truly the guilty one.

The prohibition to broadcast what is happening during the trial is nowadays generally recognised as curtailing the fundamental rights of the freedom of expression and is only justified as a rule if there is the possibility that the broadcasting of that information on the alleged offence or the person that committed it could limit or prejudice the opportunity of a fair and just trial or when the broadcast might be prejudicial to vulnerable persons. Primarily the journalist is in this respect in duty bound to obey court orders. Like anybody else he/she must obey the rules and cannot expect that his/her fundamental right of freedom of expression to be wider than or less limited from that enjoyed by any other individual. Court orders have to be obeyed in word and in spirit. The journalist therefore should not obey the letter of the order but neutralise the spirit with what he/she broadcasts.

The journalist is always free to contest a court order that curbs his/her right to report on the proceedings of the trial and to comment about it. He/she has a right to investigate if such order was in excess of what was really necessary, whether the protection offered to the accused, the witnesses or other persons involved in the trial was disproportionate to the public's right to know what was actually happening in court and how the trial was being conducted. He/she has the right to investigate for example whether the order constitutes an abuse of judicial power or whether it is a reflection of the abuse of executive power; if it really was necessary to protect the rights of others or of society in general or whether it prejudices the accused's right to a fair, just and impartial public trial.

#### 5. The Conduct of the Trial and Sentence

At this stage, the journalist is as a rule free to report on everything that is said or done in Court

ma jkunx hemm projbizzjoni tal-qorti f'dan ir-rigward. Il-pubblicità fil-kawża propju allura testendi tista' tgħid għal massimu u l-limitazzjonijiet għal-libertà ta' l-espressjoni huma bħala regola ridotti għal minimu.

provided there is no Court prohibition to do so. Publicity during the actual trial therefore is extended to the maximum and restrictions to the freedom of expression, as a rule, are reduced to a minimum.

Jibqa' dejjem però daww il-każijiet eċċezzjonali fejn il-bilanċ għandu jwiežen favur id-dritt ta' l-individwu li jiġi protett kontra d-dritt tas-soċjetà li tkun informata. Hekk pereżempju fejn l-akkuża hija waħda ta' abbuż sesswali, l-identità tal-vittima hija bħala regola salvata mill-pubblicità u l-istess jiġri fil-każijiet fejn l-akkużat, ix-xhieda jew il-vittmi jkunu minorenni. Hemm każijiet oħra fejn hu għaqli u fl-interess tas-soċjetà illi ma jkunx hemm pubblicità. Dan jiġri pereżempju f'każijiet fejn is-sigurtà ta' l-Istat tista' tkun mhedda u fejn allura il-ħsara li tkun tista' ssir b'konsegwenza tal-pubblicità tkun ferm akbar minn ġid li jista' joħroġ jekk ikunu mgħarrfa d-dettalji tat-twettiq tar-reat. Anke f'dawn il-każijiet kollha però hemm eċċezzjonijiet li jiġġustifikaw li l-każ jingħata pubblicità sħiħa.

There would however still remain those exceptional cases where a balance has to be found between the right of protection of the individual as against society's right to be informed. Thus, for example, where the charge is one of sexual abuse, the identity of the victim, as a rule, is not allowed to be publicised and the same thing happens in cases where the accused, the witnesses or the victims are minors. There are other cases where it is wise and in the interest of society that publicity is withheld. This happens for example in cases where the security of the State could be threatened and where therefore the damage resulting from publicity could be much greater than the good that could result if the details were public. Yet even in all these cases there are exceptions that could justify that the case be given full publicity.

Matul il-proċess ġudizzjarju, huwa obbligu tal-ġurnalista illi jevita kull forma ta' sensazzjoniżmu u l-valur ta' l-istorja u l-impatt tagħha għandu joħroġ biss mill-mod kif jisvolgi l-każ u mill-fatti tal-proċess. Hi assolutament projbita kull forma ta' opinjoni tal-ġurnalista fuq il-ħtija jew l-innoċenza ta' l-akkużat jew fuq il-komportament tax-xhieda kemm qabel u kemm wara li jixhdu, kif ukoll kull kumment intiz biex jinfluwenza l-ġudikant, il-ġurati u l-avukati fil-qadi ta' dmirijiethom. Kif hu wkoll projbit illi jiġu ppubblikati fatti dwar il-kondotta preċedenti ta' l-akkużat u tax-xhieda għax din l-informazzjoni ma tistax bħala regola tingħata lil ġurati matul is-smiegħ tal-proċess jekk mhux wara s-sentenza ta' ħtija. Il-ġurnalista lanqas jista' jindaga dwar jew jispekola fuq id-deliberazzjonijiet tal-ġurati jew fuq min minnhom ivvota kif.

During the trial the journalist has to avoid any form of sensationalism and the true value of the story as well as its impact should only originate from the manner in which the case develops and the facts brought forward at the trial. Every expression of the journalist's opinion regarding the guilt or innocence of the accused and the behaviour of the witnesses before and after giving testimony, as well as every comment intended to influence the judge or the lawyers in the fulfilment of their duties, is absolutely prohibited. It is also prohibited to publish facts about the previous criminal record of the accused since such information as a rule cannot be given to the jurors during the hearing of the trial but only after the sentence of guilt. The journalist cannot even investigate or speculate on the deliberations of the jurors or how one or any of them voted.

Is-sensibilità tal-ġurnalista għal valur veru tal-preżunzjoni ta' l-innoċenza ta' l-akkużat għandha tissarraf f'oġġettività skrupoluża fix-xandir tal-fatti proċesswali. Hu għandu jirreżisti kull tentazzjoni li din tiġi mċajpra b'emozzjoni, simpatija jew preġudizzju imqanqla mis-serjetà tar-reat, mill-gravità ta' l-impatt soċjali jew mill-ħasra għall-vittima.

The sensibility of the journalist to the true value of the presumption of innocence of the accused has to be translated in scrupulous objectivity when reporting the facts of the trial. He/she has to resist the temptation to obscure his reporting by emotion, sympathy or prejudice provoked by the gravity of the offence, its impact on society or from pity towards the victim.

Filwaqt li kull każ għandu l-fatti partikulari tiegħu u jippreżenta sfidi partikulari, r-regola tad-deheb matul il-kors tal-proċess kriminali nnifsu għandha tkun dik ta' oġġettività u distakk fir-rappurtagg tal-fatti kif jisvolgu ruħhom, liema rappurtagg għandu jkun nieqes minn kull

Whilst therefore every case has its own particular circumstances and presents its own particular challenge, the golden rule, during the course of the trial, should be that of objectivity and detachment when reporting facts as they develop, which reporting should be devoid of all





spekulazzjoni u kumment fuq il-mertu tal-każ.

## 6. L-Istadju ta' wara l-proċess

F'dan l-istadju l-ġurnalista huwa liberu illi jikkummenta dwar kif ikun ġie kondott il-proċess, dwar il-komportament tal-protagonisti fih, dwar l-ordnijiet mogħtija mill-qorti, dwar il-mod kif fil-fehma tiegħu tkun ġiet amministrata l-ġustizzja, dwar il-verdett u l-kundanna jew il-liberazzjoni ta' l-akkużat u l-piena mogħtija. Lanqas m'hemm ostakolu li l-ġurnalista filwaqt li jirrispetta s-sentenza tal-qorti, ikompli jinvestiga ċ-ċirkustanzi tal-każ għax ikollu d-dubji tiegħu jekk tkunx saret jew le ġustizzja. Dan kollu jista' jagħmlu b'sens ta' responsabbiltà, b'rispett lejn l-awtorità tal-qorti u b'mod professjonali.

Fiż-żmien bejn l-għoti tas-sentenza u s-smiegħ ta' l-appell minnha, l-ġurnalista igawdi iktar libertà fir-rappurtaġġ u kumment dwar reat għaliex hu meqjus illi ma setgħax f'dan l-istadju jinfluwenza indebitament lill-Qorti, lill-ġurati u lix-xhieda. F'dan l-istadju l-ġurnalista għandu bħal kull persuna oħra, id-dritt li japprezza l-fatt illi l-akkużat kien ġie misjub ħati ta' l-akkużi miġjuba kontra tiegħu u sa hawn il-preżunzjoni ta' l-innoċenza tkun ġiet preġudikata. Għandu dejjem jingħad li l-akkużat ikun appella minn dik is-sentenza u li l-ħtija jew l-innoċenza tiegħu tiġi biss finalment stabbilita wara s-sentenza ta' l-appell.

## IL-PERSUNI VULNERABBLI

Meta l-ġurnalista jnvolvi ruħu f'xi wieħed minn dawn l-istadji hu jkollu inevitabbilmement jiffoka l-attenzjoni tiegħu fuq xi wieħed jew aktar minn dawn il-persuni:-

1. il-vittima tar-reat;
2. il-persuna sospettata li kkommetiet / l-akkużat;
3. il-familjari tal-vittima tar-reat;
4. il-familjari tal-persuna sospettata/l-akkużat;
5. il-persuni li setgħu jiġu msejġha bħala xhieda fil-proċess;
6. il-ġudikant, il-ġurati, l-avukati tal-prosekuzzjoni u tad-difiża u l-ufficjali involuti fl-investigazzjoni.

Dawn il-persuni kollha jistgħu jitqiesu li huma vulnerabbli billi l-aġir tal-ġurnalista jista' jkollu

speculation and comment on the merits of the case.

## 6. The "post trial"

Now the journalist is free to comment on the conduct of the trial, on the behaviour of the protagonists, on the orders given by the court, about the way he/she believes justice should be administered, about the verdict, whether guilty or innocent as well as the punishment meted to the accused. Whilst the journalist is expected to respect the court's judgement there is nothing to hinder him/her from continuing to investigate the circumstances of the case if still harbouring doubts as to whether justice has been truly served. All this can be accomplished with a sense of responsibility, with respect to the court's authority and in a professional manner.

During the period between the pronouncement of the sentence and the hearing of the appeal, the journalist enjoys more freedom to report and comment about the offence as he is not considered to be able at this stage to influence the jurors or the witnesses. The journalist at this stage like anybody else has the right to appreciate the fact that the accused was found guilty of the charge against him/her and to that extent the presumption of innocence has been prejudiced. It should, obviously, always be stated that the accused has appealed from that sentence and that his/her guilt or innocence has to be finally established by the Court of Criminal Appeal's judgement.

## VULNERABLE PERSONS

When the journalist is involved in one of these stages he/she has inevitably to focus his/her attention on one or more of such persons:

1. the victim of the crime;
2. the person suspected of committing the offence / the accused;
3. the next of kin to the victim of the offence;
4. the next of kin to the suspected person / accused;
5. persons who, during the trial, could be called as witnesses;
6. the judge, the jury, the prosecution and defence lawyers and the officers involved in the investigation.

All these persons can be considered to be vulnerable as the journalist's behaviour might



effett dirett jew indirett fuqhom. Huma allura jimmeritaw attenzjoni partikolari fil-mod kif jiġu ttrattati. Dan li ġej għandu jitqies bħala linji gwida ta' *modus operandi* li fuqhom il-ġurnalists għandu jfassal mod korrett kif jaġixxi fil-prattika.

have a direct or indirect effect in their regard and require and merit particular attention in the way they are portrayed by journalists. What follows should be considered as a guideline with regard to the *modus operandi* with which a journalist should act in a correct manner in practice.

## 1. Il-vittma tar-reat

Spiss, fejn ir-reat hu wieħed ta' ċerta gravità, il-publikazzjoni ta' l-identità tal-vittma u l-involvement tiegħu bla bżonn fl-istorja jżidu t-trawma u t-tbatija li jgħaddi minnha. Apparti regoli oħra f'kodicijiet apposta li l-ġurnalists obbligat josserva fir-rigward ta' persuni milquta b'kull forma ta' disgrazzja, l-ġurnalists huwa obbligat jagħmel minn kollox biex itaffi l-impatt tal-pubbliċità fuq il-vittma tar-reat. Bħala regola ġenerali, l-ġurnalists għandu sa fejn hu possibbli jevita illi jidentifika l-vittma tad-delitt sakemm dan ma jkunx sar pubbliku mod ieħor. Dan għandu japplika b'mod partikolari għad-delitti fuq il-persuna, fosthom delitti ta' vjolenza sesswali. L-identifikazzjoni tal-vittma f'dawn il-każijiet għandha dejjem issir bil-kunsens tagħha, preferibbilment bil-miktub jew reġistrat sakemm il-vittma stess ma toffrix li tagħti l-istorja tagħha lill-ġurnalists u tidentifika ruħha.

Hemm eċċezzjonijiet għal dawn ir-regoli f'kas li jkun hemm raġunijiet gravi fl-interess pubbliku. Hekk, pereżempju, jekk il-vittma tkun giet maqtula, jkun hemm l-interess li jiġi identifikat min kien ħati tad-delitt. F'dak il-kas jkun imperattiv illi jingħataw kemm jista' jkun dettalji ta' l-inċident biex l-investigazzjoni tiġi megħjuna għal massimu u l-ħati maqbud. Dan japplika ukoll fejn il-vittma maqtula tkun minorenni. Fejn il-ġurnalists huwa obbligat iżomm l-anonimità, dan ikun ifisser mhux biss illi ma jiġix ippublikat l-isem, l-indirizz jew xi ritratt tiegħu imma lanqas illi jiġu mogħtija dettalji inċidentali relatati mar-reat illi jistgħu iwasslu għall-identifikazzjoni tal-vittma. Huwa għaqli f'dan ir-rigward illi l-ġurnalists jiżbalja favur il-prudenza u ma jeħux riskji.

Attenzjoni speċjali għandha tingħata wkoll għaċ-ċirkustanza illi ma tiġix żvelata l-identità tal-vittma speċjalment f'delitti ta' ċerta gravità, qabel ma jkun ġie assigurat illi l-qraba immedjati tagħha ikun mgħarrfa b'dak li gara. Eċċezzjonalment ir-regola illi għandu jiġi rispettata id-dritt tal-privatezza tal-vittma, għandu jkun subordinat għall-interess pubbliku. Hekk

## 1. The victim of the crime

Often, when the offence is of a certain gravity, the publication of the identity of the victim and his unnecessary involvement in the story increase the trauma and suffering that he/she goes through. Apart from other rules that the journalist has to abide by with regard to persons suffering all sorts of accidents, he/she is bound to do his/her utmost to alleviate the impact of publicity on the unwilling victim of the offence. As a general rule, the journalist should wherever possible avoid identifying the victim of the crime as long as this has not become public in some other way. This should apply more particularly to crimes of bodily harm amongst which those of sexual violence. The identification of the victim in these cases should always occur with the victim's permission, preferably in writing or recorded unless the victim does not offer to tell the story and to identify himself/herself.

There are exceptions to these rules in the public interest. Thus for example if the victim has been killed there would be urgency to identify who committed the offence. In that case it is imperative that as many details as possible be given concerning the incident to help the investigation and to apprehend the offender. This applies also if the victim killed is a minor even though special laws would otherwise apply giving the highest protection of anonymity. Where the journalist is bound to retain anonymity, this would not only mean that the name, the address and photographs are not published, but also that incidental details related to the crime that could in some way lead to identify the victim are not given. In a small country like Malta it may be difficult to distinguish between required levels of anonymity. It is therefore wise for the journalist to err in favour of prudence and not take risks in this respect.

Also, special care must be taken not to divulge the identity of the victim especially in serious offences, before it is previously ascertained that the next of kin are informed of what happened. Exceptionally the rule that the right of privacy of the victim should be respected, is made subordinate to the public interest. This occurs if the victim of the offence happens to be a public





jigri jekk il-vittma tad-delitt tkun persuna pubblika u allura immedjatament identifikabbli jew jekk id-delitt ikun ta' tali enormità illi jkun impossibbli illi żżomm anonimità. Anke f'dawn il-każijiet però, il-ġurnalista għandu jkun prudenti fil-mod kif jitratta l-każ u ma jipprovdix aktar informazzjoni minn dak li jkun strettament neċessarju għall-iżvolgiment ta' l-aħbar. Anke persuna pubblika hi intitolata għad-dritt ta' privatezza f'dawk l-elementi tal-ħajja privata illi bl-ebda mod ma jinċidu fuq il-kariga pubblika li tokkupa, liema dritt jista' jitnaqqar bil-pubblicità li l-persuna pubblika stess tagħti lill-familjari tagħha.

Tista' tinħoloq problema wkoll fejn il-vittma u min jikkometti r-reat ikunu jiġu minn xulxin, l-aktar f'delitti ta' vjolenza sesswali. F'ħafna minn dal-każijiet ikun diffiċli tispeċifika n-natura tad-delitt mingħajr ma tikkxef l-identità tal-persuna. F'dawk il-każijiet ikun għaqli illi jibqgħu anonimi kemm il-vittma kif ukoll min jikkometti d-delitt. Ikun prudenti għall-ġurnalista illi jistenna direttiva tal-qorti.

Il-ġurnalista li jagħzel li jirrikonstruwx r-reat bl-elementi għad-dispożizzjoni tiegħu kellu jkun attent li ma jingħatawx dettalji li jistgħu iwasslu għall-identifikazzjoni tal-vittma fejn hi meħtieġa l-anonimità. F'każijiet bħal dawn għandhom jiġu evitati filmati illi jistgħu jorbtu l-vittma mal-post fejn sar id-delitt.

## **2. Il-persuna suspettata li kkommettiet ir-reat/l-akkużat**

Il-persuna suspettata li wettqet ir-reat u eventwalment akkużata, għandha titqies li hija vulnerabbli fis-sens illi timmerita attenzjoni partikulari biex jiġi assigurat:

- a) li tiġi rispettata l-preżunzjoni ta' l-innoċenza tagħha sal-mument tas-sentenza; u
- b) illi jiġi assigurat id-dritt tagħha għall-smiegħ ġust u xieraq minn qorti imparzjali u ndipendenti.

Dan ifisser illi:-

- i. Id-dritt ta' privatezza ta' l-individwu għandu jiġi bbalanċjat mad-dritt tal-pubbliku li jkun jaf il-fatti dwar it-tweġġ tar-reat li hu avveniment pubbliku li jinteressa lis-soċjetà. Min ikun involut fir-reat allura, ma jistax jippretendi illi dak l-avveniment hu wieħed fil-ħajja privata tiegħu. Mill-banda l-oħra

person and therefore immediately identifiable or if the offence is so serious that it would be impossible to maintain anonymity. However even in these cases the journalist should be prudent in the way he/she treats the case and does not give more information than what is strictly necessary for the understanding of the news. Even a public person is entitled to the right to privacy in those aspects of private life that have no bearing on the public office that he/she occupies as that right might be prejudiced through publicity which that same public person gives to his/her family.

A problem could arise if the victim and the one who committed the offence are related and this mostly in crimes of sexual violence. Sometimes it would be difficult to specify the nature of the offence without giving away the identity of the person. In such cases it would be wise if both the victim and the one who committed the offence remain anonymous and it would be prudent if the journalist awaits court directives prior to reporting any details.

If the journalist chooses to reconstruct the offence with the elements at his/her disposal, care should be taken not to divulge details that could help identify the victim when anonymity is required. In similar cases filming that ties down the victim to the scene of the crime should be avoided.

## **2. The person suspected of committing the offence / the accused**

The person who is suspected of committing the offence and eventually is accused, should be considered as vulnerable in the sense that he/she merits particular attention to ensure that:-

- a) his/her presumption of innocence is respected until the time when the sentence is announced; and
- b) his/her right to a fair and just hearing from an impartial and independent court is assured.

This means that:-

- i. The right to privacy of the individual should be balanced with the right of the public to know the facts about the commission of the offence, which is a public happening and of interest to society. Who therefore is involved in the offence cannot expect that this event is part of his/her private life.

persuna li fuqha jkun waqa' s-suspett li setgħet ikkommettiet ir-reat ma għandhiex tkun identifikata pubblikament sakemm ma titressaqx il-qorti u tiġi akkużata jekk mhux f'ċirkustanzi eċċezzjonali fejn in-nuqqas ta' identifikazzjoni jkun ta' periklu u ħsara lis-soċjetà.

Meta persuna suspettata titressaq il-qorti, dak il-fatt huwa ċert u pubbliku u persuna akkużata tista' tiġi bħala regola, identifikata b'aħbar li tkun limitata għal dak il-fatt u għad-dettalji tar-reat kif jidher fl-att ta' l-akkuża. Huwa wkoll f'dan l-istadju leċitu li f'każ ta' akkużi serji jiġi mxandar l-isem ta' l-akkużat u f'każi serji ħafna jixxandar ritratt jew filmat tiegħu meta jkun qed jiġi mressaq quddiem il-Qorti. Anke hawn l-għurnalists għandu jkun ferm attent li dak li jxandar ma jpoġġix f'dawl ikrah bla bżonn lill-persuna issa akkużata.

On the other hand a person suspected to have committed the offence should not be publicly identified until he/she is arraigned in court and accused unless there are exceptional circumstances where the lack of identification could be dangerous and harmful to society.

When a suspected person is then arraigned in court, this is a certain and public fact and an accused person can, as a rule, be identified in a news story which would be limited to the details of the offence as it appears in the indictment. It is also permissible at this stage in the case of serious charges to broadcast the name of the accused and in very serious cases to produce a photo or film of the person that has been arraigned in court. Even here however the journalist has to be extremely careful that what he/she reports does not unnecessarily put the suspect now accused in a bad light.

- ii. Hemm każijiet fejn ma huwiex leċitu illi persuna akkużata tiġi identifikata b'isimha. Dawn jinkludu kull fejn ikun hemm ordni ta' qorti f'dan is-sens u kull fejn l-akkużat ikun minorenni sakemm l-identifikazzjoni tal-minuri akkużat ma tkunx f'ċirkustanzi eċċezzjonali awtorizzata mill-qorti.
- iii. Meta l-persuna suspettata tiġi akkużata, ma hemm lok għal ebda programm li jirrikostitwixxi r-reat għaliex ikun imbeda l-proċess gudiżzarju. Dan ma jfissirx li l-għurnalists ma jistax jieħu spunt mir-reat biex jagħmel programm ta' investigazzjoni dwar aġir anti-soċjali li tiegħu r-reat ikun manifestazzjoni. Programm ta' din ix-xorta jista' jagħmel referenza għar-reat b'mod ġeneriku iżda mhux aktar minn hekk. Hu permess illi jixxandar materjal dwar il-lokalità jew l-ambjent fejn seħħ ir-reat u li jsiru intervisti. Però, f'dan għandu jiġi assigurat li dak li jixxandar bl-ebda mod ma jista' jiġi allaċċjat mal-persuna suspettata jew akkużata. Hija f'dan ir-rigward fundamentali d-distinzjoni li ssir bejn *"revisiting the site of the crime"* u *"reconstructing the crime"*.
- iv. Wara li tingħata s-sentenza hu leċitu għall-għurnalists li jagħmel użu mill-materjal kollu għad-dispożizzjoni tiegħu inkluż dak li jkun irriżulta mill-proċess gudiżzarju sakemm dan ma jkunx espressament vjetat minn xi ordni tal-qorti. Il-għurnalists hu wkoll obbligat jagħti l-istess prominenza lill-verdett li
- ii. There are instances where it is not permitted to identify an accused person by name. These include wherever there is a court order in this sense and wherever the accused is a minor unless his/her identification is authorised by the court in exceptional circumstances.
- iii. When the suspected person is accused, there is no scope for a programme to reconstruct the offence as the judicial process would have started. This does not mean that the journalist cannot produce a programme of investigation about the anti-social behaviour provoked by crimes of which the offence is just a manifestation. Such a programme could refer to the offence in a generic manner but nothing more than that. It is always permissible to publicise material about the locality or the environment where the offence was committed and to make interviews, but the programme has to ascertain that whatever is produced can in no way be linked with the suspected or accused person. In this regard the distinction made between *"revisiting the site of the crime"* and *"reconstructing the crime"* is fundamental.
- iv. The journalist is allowed, after the sentence has been delivered, to make use of all the material at his/her disposal including that which resulted from the trial hearing, as long as this is not expressly prohibited by court. The journalist is also bound to give as much prominence to the





jillibera lill-akkużat, daqskemm ikun ta meta dik il-persuna tkun ġiet akkużata.

verdict that frees the accused as he/she had previously attributed to the case when the person was accused.

### 3. Il-familjari tal-vittma tar-reat

Il-familjari tal-vittma tar-reat spiss, għalkemm mhux dejjem, ikunu għal kollox estraneji għalih. Il-ġurnalista għandu jagħmel attenzjoni partikulari biex persuni li jkunu totalment innoċenti u li jsibu ruħhom, bla ma jridu, taħt l-attenzjoni tal-*media* għax l-isfortuna tkun poġġiethom viċin investigazzjoni kriminali, ma jiġux vittimizzati minħabba sensazzjonaliżmu jew interessi kummerċjali. Dan ma jfissirx illi ma tistax tingħata informazzjoni meqjusa dwar il-familjari tal-vittma u l-mod kif jgħixu li setgħet tagħti dawl fuq kif svolġa r-reat u x'ipprovokah. Il-ġurnalista jibqa' liberu illi jxandar materjal illi jsir bil-kunsens tal-familjari tal-vittmi u f'dawn il-każijiet ikun għaqli li l-ġurnalista jieħu l-kunsens bil-miktub jew b'mod registrat. Il-ġurnalista jibqa' marbut josserva kodiċijiet oħra li jipproteġu persuni vulnerabbli u partikolarment għandu jassigura li dawn m'għandhomx jkunu ffilmjati f'waqtiet emotivi li għandhom jitqisu bħala privati.

Tibqa' dejjem regola illi materjal li b'xi mod jista' jippreġudika d-dritt ta' proċess ġust ta' persuna suspettata jew akkużata ma għandux jixxandar. Kif lanqas jista' jixxandar materjal ta' familjari tal-vittma jekk dan jista' jkun rilevanti fil-proċess kriminali u jekk jistgħu jiġu msejja biex jixhdu. Anke f'dan il-ġurnalista għandu juża prudenza u kunsiderazzjoni. Għandu jkun konxju tal-fatt illi r-ripetizzjoni bla bżonn ta' stampi u filmati li juru xeni tat-twettiq tar-reat jqanqlu mill-ġdid it-trauma li jkunu għaddew minnha l-familjari u x-xandir tagħhom għandu jiġi limitat għall-minimu strettament meħtieġ. Is-sensazzjonaliżmu għandu finalment biss fini kummerċjali u għandu jiġi evitat. Dan it-tip ta' rappurtaġġ għandu jsir b'mod klinikament oġgettiv.

### 3. The next of kin to the victim of the offence

Very often, the next of kin are complete strangers to the victim of the offence. The journalist should therefore be particularly careful to ensure that totally innocent persons who find themselves unwillingly in the limelight of the media because they were unfortunate enough to be on the fringes of a criminal investigation, are not victimised because of commercial interests or sensationalism. This does not mean that limited and correct information cannot be given about the next of kin of the victim and the way they live, which possibly could throw light as to how the offence came about and what actually provoked it. The journalist remains free to report material with the consent of the victim's next of kin and in similar cases the journalist would be wise to obtain such consent in writing or in a recorded manner. The journalist continues to be bound to observe other codes which protect vulnerable persons and, in particular, should ensure that such people are not filmed in an emotive state which is considered to be private.

The rule however stands that any material which in any way could prejudice a fair trial of the suspected or accused person cannot be reported. Neither can material supplied by the victim's next of kin be broadcast if relevant to the criminal trial and if these could be called to give witness. Even here the journalist must be particularly considerate and prudent. He should be conscious of the fact that unnecessary repetition of pictures and films showing scenes of the commission of the offence revive the trauma that the next of kin have been through and therefore their showing should be limited to a strict minimum. Sensationalism which, after all, only serves commercial ends should be avoided and this kind of reporting should be conducted in a clinically objective manner.

### 4. Il-familjari tal-persuna suspettata/akkużata

Dak li ntqal għall-familjari tal-vittma japplika wkoll għall-familjari tal-persuna suspettata u wara akkużata. Anke hawn dawn huma spiss għal kollox estraneji għall-att kriminuz li l-persuna li tiġi minnhom tkun allegata li kkommettiet. Huma għandhom għalhekk id-dritt li ma jkunux aggravati aktar milli hu assolutament neċessarju b'invażjoni tad-dritt

### 4. The next of kin to the suspected person/accused

What has been said for the victim's family also applies to the next of kin of the suspected and later accused person. Even here these persons are generally completely unaware of the criminal act allegedly committed by someone related to them. They have therefore the right not to be further harassed than absolutely necessary by the invasion of their privacy. The

fundamentali tagħhom għall-privatezza. Il-ġurnalista għandu jkun konxju tal-fatt illi l-familjari ta' l-akkużat jistgħu jkunu msejja biex jixhdu fil-proċess u f'ċerti ċirkustanzi għandhom id-dritt ta' l-għażla li ma jixhdux.

journalist has to be aware of the fact that the next of kin of the accused could be asked to testify in the trial and in certain circumstances they can choose to refuse to do so.

Għandu allura jevita illi jidentifikahom bil-kliem jew bl-immaġini u wisq anqas għandu jittanta li jintervistahom. L-użu ripetut ta' immaġini li fihom jidhru familjari ta' l-akkużat jew tal-persuna suspettata li ma huma bl-ebda mod involuti fil-fatti tar-reat jikkostitwixxi invażjoni bla bżonn fid-dritt ta' privatezza tagħhom. Is-sitwazzjoni hi differenti fejn il-familjari ta' l-akkużat joffru li jipparteċipaw f'dibattitu mal-ġurnalista, jawtorizzaw ix-xandir ta' intervisti jew joffru kummenti dwar il-każ. Jibqa' dejjem l-obbligu però illi ma jixxandrux intervisti ma' qrafa, potenzjalment xhieda, anke jekk huma stess ikunu hekk iridu.

The journalist should therefore avoid identifying them with words or pictures or worse still try to interview them. The repeated showing of shots of the next of kin of the accused or suspected person who are completely unconnected with the facts of the offence constitutes an unnecessary invasion of their right of privacy. The situation of course would be different where the next of kin of the accused offer to take part in a debate with the journalist, authorise the broadcast/report of the interviews or offer comments about the case. However, it is still not permissible to publish interviews of next of kin potential witnesses even if they are themselves willing to be interviewed.

#### **5. Il-persuni li setgħu jiġu msejja biex jixhdu fil-proċess**

#### **5. Persons who, during the trial, could be called as witnesses**

Meta ġurnalista jintervista xi xhud jew xhud potenzjali kellu jassigura li dak li jgħid bl-ebda mod ma jinfluwenza il-kors tal-ġustizzja. L-ebda intervista ma għandha ssir ma' xhieda fil-proċess kriminali dwar dak li qalu jew jistgħu jgħidu fil-qorti.

When a journalist interviews a witness or potential witness, he/she should ensure that what is said does not influence the course of justice in any way. Witnesses in a criminal trial should not be interviewed about what they said or intend to say in court.

Il-ġurnalista m'għandux ixandar intervisti ma' persuni li jkunu xhieda jew li jkunu potenzjalment xhieda mil-mument illi tiġi identifikata persuna taħt suspett li setgħet ikkommettiet ir-reat. Dan il-prinċipju japplika wkoll fil-każ ta' inkjesti magħmula minn ġudikanti jew persuni awtorizzati li jisimgħu xhieda bil-ġurament taħt liġijiet speċjali bħall-Att dwar il-Bastimenti Merkantili, l-Att dwar l-Inkjesti w oħrajn. F'dawn il-każijiet l-inkjesta tista' twassal biex persuni taħt suspett tiġi akkużata bit-tweqqi ta' reat.

A journalist should not broadcast interviews with persons who are witnesses or potential witnesses from the moment the person suspected to have possibly committed the offence, is positively identified. These principles also apply in the case of inquiries conducted by persons authorised to call witnesses on oath under special laws such as the Merchant Shipping Act, the Inquiries Act and others. In these cases the inquiry could result in identifying persons under suspicion recommending that they be charged with the commission of an offence.

Mhux eskluż li l-ġurnalista jintervista persuni li jixhdu fil-proċess biex jintużaw wara li l-proċess ikun finalment deċiż. Hawn però l-ġurnalista għandu joqgħod attent ferm li ma jinfluwenzax lix-xhieda f'dak li jgħidu u bħala regola la għandu jhallas u lanqas iwiegħed li jhallas kumpens għall-intervista.

It is still possible for a journalist to conduct interviews with witnesses and make use of such interviews after the court proceedings are concluded. The journalist must however be very careful not to influence the witnesses in what they say and as a rule should not pay or promise any financial compensation for the interview.

#### **6. Il-ġudikant, il-ġurati, l-avukati tal-prosekuzzjoni u d-difiża, u l-uffiċjali involuti fl-investigazzjoni**

#### **6. The judge, the jury, the prosecution and the defence lawyers and the officers involved in the investigation.**

Dawn il-persuni, li għandhom il-koll funzjoni

The above mentioned persons, all having an





uffiċċjali fil-kondotta tal-proċess kriminali, għandhom protezzjoni sħiħa tal-liġi fil-qadi ta' dmirijiethom. Il-ġurnalists għandu joqgħod ferm attent illi bl-ebda mod ma jikser il-liġi f'dan ir-rigward għaliex is-sanzjonijiet huma ġustament qawwija. Il-ġurati huma l-Imħallfin tal-fatt u għandhom jiġu meqjusa fuq l-istess livell tal-maġistrat jew l-Imħallef. Ma huwiex permess illi dawn jiġu b'xi mod influwenzati fil-qadi ta' dmirhom jew mitluba jiżvelaw kif wettquh. Din il-protezzjoni tal-ġurati testendi ukoll wara li jkun intemm il-proċess. L-avukati tal-prosekuzzjoni u difiża huma uffiċjali tal-Qorti u il-kritika dwar il-kondotta tagħhom tul il-proċess għandha tkun oġġettiva, leali u mhux personalizzata.

official function in the conduct of a criminal trial, benefit from the full protection of the law in the execution of their duties. The journalist must be extremely careful not to break the law in this respect because sanctions are understandably harsh. Jurors decide on the facts of the case and should be accorded the same level of treatment as magistrates or judges. It is not permitted that these be in any way influenced in the execution of their duties or asked to reveal how they arrived at their conclusions. Such treatment is extended to jurors even after the trial has been concluded. Advocates for the defence and the prosecution are Court officers and criticism levelled at their conduct during the judicial process must be objective, faithful and not personalised

Digà intqal illi ma hemm xejn x'jostakola kummenti oġġettivi u f'pothom, anke kritiċi, tal-ġurnalists fuq l-operat ta' min jipparteċipa fil-proċess. Dan huwa leċitu li jsir anke tul il-kors tal-proċess sakemm il-ġurnalists jaġixxi b'responsabbiltà u mhux bil-ħsieb illi jfixxkel il-kors tal-ġustizzja, jinfluwenza indebita-ment il-ġudikant, il-ġurati, l-avukati w uffiċjali oħra, fil-qadi ta' dmirijiethom jew, aghar u aghar, jintimidahom.

It has already been stated that there is nothing to hinder the journalist from passing objective, appropriate and even critical comments, on the behaviour of those who took part in the trial. This is allowed during the course of the trial as long as the journalist does it responsibly and not with the intention of hindering the course of justice, or of influencing the judge, the jurors, the lawyers and other officials in the execution of their duties or even worse in intimidating them.

#### REGOLA LI TORBOT

Tibqa' regola li torbot li, f'każ ta' dubbju fl-applikazzjoni ta' dawn il-linji gwida, il-ġurnalists għandu l-obbligu li jirreferi għad-direzzjoni infurmata msaħħa fejn meħtieġ b'parir legali tas-superjuri immedjati tiegħu u jekk hemm bżonn tal-Bord Editorjali. Kien obbligat li josserva d-direttivi lilu mogħtija.

#### BINDING RULE

In case of doubt in the application of these Guidelines, it is a binding rule that a journalist shall refer for informed direction and, where appropriate, through obtaining legal advice from his/her immediate superiors and, if need be, from the Editorial Board. A journalist is always bound to comply with the directives issued to him/her.

18 T'AWISSU 2005

18<sup>TH</sup> AUGUST 2005



PARTICIPATION OF HEALTH CARE PROFESSIONALS IN THE BROADCASTING MEDIA



COUNCIL FOR THE PROFESSIONS  
COMPLEMENTARY TO MEDICINE  
181 MELITA STREET  
VALLETTA  
MALTA

Telephone: (355) 21255540

Our Ref. CPCM 1/05

Your Ref.

10<sup>th</sup> May, 2005.

Dr Kevin Aquilina MA, LL.D, LL.M, Ph.D (Lond)  
Chief Executive  
Broadcasting Authority  
7 Mile End Road  
Hamrun HMR 02

Dear Dr. Aquilina,

During the last meeting the Council discussed the issue of the participation of health care professionals on the television and radio programmes.

I am directed to inform you that the Council would like to draw your attention to the fact that no one can practice a health care profession that is regulated by the Council if not duly registered with the Council. This is in accordance with the Health Care Professions Act 2003. Subsequently, no one can give advice to the general public regarding a profession registered with the Council unless he/she is duly registered with the Council. I am attaching herewith, for your perusal, a list of the professions regulated by the Council for the Professions Complementary to Medicine.

You are kindly urged to ensure that all television and radio providers are aware and abide to this directive.

Yours faithfully,

  
Gillian Mifsud  
REGISTRAR

Enc.

BROADCASTING AUTHORITY  
RECEIVED  
12 May 2005 / 10:42



HEALTHCARE PROFESSIONS ACT, 2003  
(ACT NO. XII OF 2003)

HEALTHCARE PROFESSIONS ACT (AMENDMENT OF THIRD SCHEDULE)  
REGULATIONS, 2004

IN exercise of the powers conferred by article 51 of the Healthcare Professions Act, 2003, the Minister of Health, the Elderly and Community Care has made the following regulations:-

1. The title of these regulations is the Healthcare Professions Act (Amendment of Third Schedule) Regulations, 2004, and they shall be read and construed as one with the Third Schedule to the Healthcare Professions Act, hereinafter called "the Third Schedule". *Citation*

2. For the Third Schedule there shall be substituted the following:-

*Amends Third  
Schedule*

"THIRD SCHEDULE  
(Article 28)

Professions Complimentary to Medicine

- Acupuncturist
- Chiropractor
- Clinical Psychologist
- Dental Hygienist
- Dental Technologist
- Dietitian
- Environmental Health Officer
- Medical Laboratory Scientist
- Nutritionist
- Occupational Therapist
- Optometrist
- Orthopist
- Osteopaths
- Perfusionist
- Physiotherapist
- Psychotherapist
- Podiatrist
- Radiographer
- Speech Language Pathologist"







QUALITY PROGRAMMES FOR CHILDREN  
ROUND TABLE CONFERENCE  
ORGANISED BY  
THE BROADCASTING AUTHORITY AND  
THE COMMISSIONER FOR CHILDREN



OPENING ADDRESS

Ms SONIA CAMILLERI, COMMISSIONER FOR CHILDREN

Dear Guests,

I welcome you all to this Round Table conference on Quality Programmes for Children.

This Working Group was set up by the Broadcasting Authority and our Office with a mandate of reviewing the Broadcasting Code for the Protection of Minors, of 2000, and proposing amendments.

The working group focused on two main issues. The first is on drafting proposals to amend the current Act to further protect minors from various forms of exploitation and abuse. The second was that of drafting and possibly also including in the proposals a set of guidelines for good quality children's programming.



**Ms Sonia Camilleri**  
Commissioner for Children

The working group decided to concentrate first on the second seeing that it might be a good idea to include these in the amendments to the Act we will be proposing. After a full year of meetings, the working group has tried to map out the main difficulties encountered by the different professionals and also the main stumbling blocks that are hindering both the production of good local programmes and the 'importation' of children's programmes from other countries.

Today is another important step for us – as we will be discussing with you both the guidelines and a strategy.

We have chosen this informal setting and also opted to keep it a 'closed' Round Table to facilitate as much free discussion as possible. In the same spirit we also chose not to invite representatives or stakeholders from TV stations or people directly involved in production at this stage. This will be further explained by Dr Aquilina when he outlines the strategy proposed.

Thank you.





## A CHILDREN'S RIGHTS PERSPECTIVE

MARIAN MUSCAT AZZOPARDI



The development of the children's rights movement has been determined by our understanding of the notions of childhood, of rights and of public responsibility of our children. When we set these ideas against a backdrop of the developments of mass media, of television as a medium and in particular of the 'economics' of children's television we may have a clearer idea of what we are doing here today and of why we are suggesting that legislation needs to include provisions for quality children's programmes and that these should also be partially funded through public funds.

The children's rights movements can be dated back to the 19<sup>th</sup> century. At the time children were seen as objects of intervention rather than as legal subjects. They were seen as in need of salvation and of protection from being exploited as cheap labour, from starvation, from lack of adequate care and from other extreme forms of suffering.



Ms Marian Muscat Azzopardi

In the first part of the 20<sup>th</sup> century, the emphasis within the children's rights movements was still on the protection and nurture of children. In 1924 in the aftermath of the First World War, for the first time, international attention was given to Children's rights with The Declaration of the Rights of the Child that concentrated mainly on children's essential needs. Protection continued to be the predominant approach until the child liberation movements of the seventies

The early 20<sup>th</sup> century was also the beginning of mass communication. Here too the spirit of protection prevailed. In the 1920s, 'the love, sex and crime that dominated the films seemed to many to pose troublesome challenges to established moral standards. Above all, their great concern was what the movies were doing to the nation's children.'<sup>1</sup> The first scientific study of mass communication was designed by a group of psychologists, sociologists and educators to study the impact of movies on children and is known as the Payne Fund studies. We see a renewal of this kind of concern in the sixties with the emergence of television as a widespread national medium that enjoyed a large audience of children.

In 1959 the General Assembly adopted the Declaration of the Rights of the Child. In comparison to its 1924 predecessor, this Declaration adopts the language of entitlement. Children are beginning to emerge no longer as passive recipients but as subjects of international law recognised as being able to 'enjoy the benefits of' specific rights and freedoms.

There is still no recognition of a child's autonomy, no understanding of the importance of a child's wishes and feelings, and no appreciation of the value of empowerment.

The need for a more binding document led to the United Nations Convention on the Rights of the Child in 1989. This is the most significant international legal document in the field of children's rights. It covers both civil and political and socio economic rights. Malta ratified the Convention on the Rights of the Child in 1990

<sup>1</sup> Lowery S. A. and DeFleur M.L., (1995), *Milestones in Mass Communication Research*, Longman, U.S.A. p. 25



The committee on the rights of the child states expressly that the general principles of the Convention are formulated in Articles 2, 3, 6 and 12 of the convention and that these should guide national programmes of implementation. These principles are:

- The principle of Non-discrimination (art. 2): *States parties must ensure that all children within their Jurisdiction enjoy their rights.*
- The Best interests of the child (art. 3): *When the authorities of a State take decisions which affect children, the best interests of children must be a primary consideration.*
- The right to life, survival and development (art. 6): *The right-to-life article includes formulations about the right to survival and to development, which should be ensured "to the maximum extent possible".*
- The views of the child (art 12): *Children should be free to have opinions in all matters affecting them, and those views should be given due weight "in accordance with the age and maturity of the child".*

It is evident how the first two principles are directly applicable to our concerns but we need a closer look at the third and fourth principles. The committee on the rights of the child states expressly:

*"The right-to-life article includes formulations about the right to survival and to development, which should be ensured "to the maximum extent possible". The term "development" in this context should be interpreted in a broad sense, adding a qualitative dimension: not only physical health is intended, but also mental, emotional, cognitive, social and cultural development."*

Concerning the views of the child we see that:

*"The underlying idea is that children have the right to be heard and to have their views taken seriously"*

But just as valid is the fostering of the circumstances under which a child can develop autonomy and to encourage the practice of autonomy as soon as possible.

When one views the development of the values that underlie the history of the children's' rights movement we notice that this trajectory of thought is reflected in our approach to children and the mass media.

We see a move from protection towards protection *and* respect towards the child as an autonomous individual. This means that our concept of welfare is broadened to include the concept of empowerment.

Public concern and debate has understandably focused on protecting children from the harmful content of television. This has often led to legal frameworks that aim to safeguard children. Examples of this protective framework are our Broadcasting Code for the Protection of Minors and guidelines such as our Guidelines Regarding Participation in Media Programmes of Vulnerable Persons. More effective protection is expected in this field as we further implement E.U. directives. We all agree that children should be sheltered from violence, vulgarity, racist attitudes and unethical suggestions. This is what the legislation prohibits. But this is a negative angle and is not enough. Unfortunately, some service providers interpret legislation that focuses on the protection of minors as a license to broadcast mediocrity. Their argument is, presumably, that if no protective rules are broken they are fulfilling their responsibility towards young viewers.

This is however only partly correct. As we shall see, our duty goes further, much further. We shall see that our responsibility also includes the provision of quality children's programmes, that we are bound to show our respect for our children by making available to them programmes that stimulate and satisfy their educational, information and entertainment needs

So we have seen that today children are empowered, empowered as individual bearers of rights. But children also possess power in a different sense, power as consumers, for they have been discovered as a valuable niche market, and as a valuable commodity that can be traded amongst the various media. This brings us to the second part of our journey.



## Children's television, market failure and exploitation.

So much has been written and said about the impact of television on children's lives. Clifford et al give us a neat synthesis of the two extreme positions and conclude that:

*"Television can inform, educate, enlighten, enthuse, challenge, and inspire. It can also deaden, misinform, mislead, and waylay children. As with most things technological, in and of itself, television is neither intrinsically benign nor malign-it is how it is used and abused."*<sup>2</sup>

Whatever one thinks, no one doubts the influence of television on children's lives and that this impinges on their development. The Convention burdens society at large with the responsibility of the development of the child and the implications of this are far reaching. Herbert McCabe explains that "The process of growing up, of becoming oneself, is a matter of entering into communication with the various media available."<sup>3</sup> He adds that this is true at every level such as, for example, food:

*"How I grow up or how I continue to live depends in clear ways on what food is available... How I grow into society, how I realise myself as a part of this society again depends on the quality of the medium, of the meanings that are available."*

Many have argued that it is up to parents to bear the responsibility of what television programmes their children watch or have argued in favour of freedom of expression and the value of free market competition in this field. But it is the responsibility of society to ensure that the context in which children grow, develop and make sense of their lives is conducive to meet the best interest of the child. This is a public responsibility; it is the responsibility of society at large.

So far I have outlined an argument in favour of quality children's programmes, programmes that respect the developmental and the autonomy rights of children. However, I believe that regulation regarding quality children's programming is only part of the answer. I now suggest that the financial cost of quality children's programmes should not be borne by the private sector. The reason for this line of thought is that children's television has been described as an example of market failure.

In this context market failure can be defined as:

*"Those programmes of high quality or national importance (or both) that have difficulty raising 100% of their budgets from existing financing mechanisms"*<sup>4</sup>

Indeed there are significant market disincentives for commercial broadcasters to air quality children's programming. Furthermore, the industry is prey to the kind of thinking that assumes that children can be bought cheaply in a free-market economic environment. Worse still they can be sold as an audience to advertisers and to other media producers.

So it makes sense to assume that our obligations towards children and their rights include both regulation that provides for quality children's television and legislation regarding the partial funding of the development, production and distribution of these programmes through public funds.

In this manner we will also remain faithful to one of the basic principles that, in 1959, Malta decided to regulate sound and television broadcasting in our country:

*"that the programmes should be of as high a quality as possible."*<sup>5</sup>

October 2005

<sup>2</sup> Clifford et Al, (1995), Television and Children. Program evaluation, comprehension and impact., Lawrence Erlbaum Associates, Inc., New Jersey, p. viii.

<sup>3</sup> McCabe, H., (1968) Law, Love Language, Sheed and Ward, London. P.83

<sup>4</sup> Discussion Paper. Broadcasting Commission of Ireland – Innovation Fund. 2004

<sup>5</sup> Antione Ellul, (CEO Broadcasting Authority :Broadcasting in Malta) "Broadcasting in Malta", *The International Handbook for Radio and Television*.





## SOME LESSONS TO BE LEARNED FROM LOCAL AND FOREIGN CHILDREN'S PROGRAMMES

STEPHEN ZERAFA



### EDUCATIONAL CHILDREN'S TELEVISION – DOES IT ACTUALLY WORK?

There can be few people today who doubt whether quality television programmes specifically designed for children, can have a positive effect on them. Innumerable studies from many different countries and spanning differing cultures, all point to the benefits quality children's programmes can have on the minds of our youngsters.

Murat Tuncer M.D. (Television and childhood education) says that television can exert its strongest pro-social influence in the area of learning and cognitive development. Tuncer adds that Sesame Street has created demonstrable increases in children's abilities with simple arithmetic and the alphabet as well as the pro-social attitudes of racial harmony, cooperation, and kindness. In fact, some studies conclude that young disadvantaged children achieve better in school if they watch one to two hours of television per day, although more than this is detrimental to academic performance at all ages.



Mr Stephen Zerafa

TVtome.com goes even further about Sesame Street. It says that by changing the focus towards entertainment Sesame Street not only "helps the medicinal learning go down easier, but also increases the effectiveness of the information being taught". They add that American teachers now expect children to arrive on the first day of school knowing the basics about letters, numbers and language. Sesame Street creator Joan Ganz Cooney says "Kindergarten now does what first grade used to and I think that's directly due to Sesame Street".

In *Educational Effectiveness of Sesame Street: a Review of the first Twenty Years of Research, 1969-1989* Richard Murphy looks at the studies done over the first twenty years of the program. Even though there have been over a hundred studies done on this show during this period, with some studies that present results with little credibility, while other studies present negative results, Murphy says that "on the whole, however, the studies with the strongest designs indicate that *Sesame Street*... had a significant positive impact on the pre-reading and school-readiness skills of children in the United States."

In the late Eighties the ETS (Educational Testing Service) tested the effects of an Arabic speaking educational program called *Al Manaahil* (The Sources) Murphy found that more than 5,000 children in Jordan, Morocco, and Tunisia who saw this show were then tested to see what impact the show would have on their test scores compared to those who had not seen the show. The results of the testing showed a positive impact on children's reading, a claim that was corroborated by both teachers and parents. The results of this study show that educational programming for children can definitely affect the literacy of children.

However, one very fundamentally important aspect of good quality children's programmes is that it can serve to displace poor quality products that do little or no good and contribute virtually nothing towards children's education, entertainment and the provision of information. The Canadian Radio-television and Telecommunications commission (CRTC) says of children's programmes "Most of the CRTC's efforts aim at encouraging more intelligent, creative and healthy children's television. We believe that more good stuff can help chase out the bad."







We can go on forever citing research that more or less confirms the benefits of good children's television. However, how does one define good quality television? What are the parameters that producers should use when allocating resources, budgeting for and producing children's programmes? And finally, closer to home, are Maltese television stations airing good quality programmes and if not, what can be done to change the situation?

#### METHODOLOGY

With the above questions in mind the Broadcasting Authority together with the Commission for The Family and Social Solidarity commissioned a study whereby both local and foreign television programmes were evaluated to see how Maltese and foreign programmes compared with each other and, if necessary, to see what could be done to improve the quality of local programmes.

Tapes and CDs of foreign programmes were obtained from both the Broadcasting Authority and Education 22. Moreover, live programmes were viewed on Rai 3 and BBC prime according to their normal schedules. In total, over 35 programmes and/or episodes were assessed.

Research into the benefits of good children's programmes was undertaken by means of the internet and printed material. This comprised two main areas namely, the studies carried out by researchers of good quality children's programmes, and the observations from well-known producers themselves about their own personal experiences and impressions. Moreover, efforts were made in order to try to learn what resources are required for quality children's programmes.

#### HI-TECH OR SIMPLICITY? - WHAT MAKES A GOOD CHILDREN'S TELEVISION PROGRAMME?

Many researchers have concluded that children are not going to watch a show merely for its educational value and that children's television programmes need one crucial ingredient to keep its audience glued to the set namely, entertainment. So, children's television programmes with a certain element or content of entertainment now seem to be the norm.

But, producers the world over ask, how should children's programmes be made to suit the so-called "todays" audience? I think many would argue that in order to produce a modern, fast-moving programme that captures and sustains the attention of today's children, one needs to ensure one has access to a huge budget, many talented staff, an adequate stream of flashy computer animations and complex plots. The plethora of programmes containing just such a format would seem to bear this out.

However, in a somewhat Luddite-like phenomenon, some of the more enduring children's programmes seem to defy the above reasoning and still manage to top the audience ratings. In *Children's Programme Does Not Preach* (2002), Maija Koivula talks about Pikku Kakkonen, the legendary and much loved Finnish children's programme that has been aired for over 25 years. When describing the slow renewal of the cast and the endless repetition of the rituals and songs, Koivula says that "The unchanged programmes, repeated series and familiar musical themes create a sense of security and set the pace of Finnish children's daily schedules". She continues by stating that the world has changed, but Pikku Kakkonen has remained almost the same and adds that one of the most important principles is that Pikku Kakkonen does not moralize, but offers entertainment and excitement to every child out there.

In a very hard-hitting article destined for the Daily Mail, but that remained unpublished, BBC children's programme producer Oliver Postgate criticizes the modern profit-driven children's programmes that cost a thousand times more to produce than those he and his colleagues made in the Fifties. In his criticism of the BBC's Americanization of its policies that, he claims, has stifled creativity in search of ever greater audience ratings, Postgate adds:

*"In our time we had been able to found great kingdoms of mountains, ice and snow in our cowsheds. In Peter's big barn we commanded infinities of Outer Space, starred it with heavenly bodies made from old Christmas decorations and made a moon for the Clangers."*

*Now, today, burdened with the search for the millions of pounds which they have to find to fund their glossy products, the entrepreneurs have to lead a very different sort of life. They must hurtle from country to country seeking subscriptions from the TV stations to fund the enormous cost of the films. Each of these stations will often require the format of the proposed film to be adapted to suit its own largest and dumbest market. They have to do this because, for them, children are no longer children, they are a market. With so many millions at stake the entrepreneurs know that the bottom line must be 'to give the children of today only the sort of things that they already know they enjoy'. They have to do this because they fear that if they don't the little so-and-so's might switch channels and the Company could lose a bit of its share of the lucrative merchandising market."*

The above contrasts sharply with the modern perception that a good modern children's programme must, perforce, be a fast-moving mega-buck production.

It is apparent therefore, that (at least two) experienced producers believe that there is nothing wrong with simple "back-to-basics" programmes. I think they are probably right in that classics such as Sesame Street are continually being re-transmitted even some 35 years after their inception.

The lesson to be drawn here is that although local producers in Malta definitely require more resources, simply throwing money at the problem will not necessarily raise standards and quality. What is needed are more people who are dedicated and who want to produce good programmes "for the love of it". What is also needed is the reduction if not elimination of rampant commercialization.

#### **MALTESE CHILDREN'S PROGRAMMES – WHAT ARE OUR RESPONSIBILITIES?**

*The most important thing with children's programmes is the feeling: if you're faking it, the kid senses it right away. Even the little folks can grab the remote control if the programme sucks.*

**Maija Koivula. Producer, Pikka Kakkonen**

A study commissioned by the Broadcasting Authority in 2000 of children's programmes on Maltese television, concluded that these programmes were consistently of a low-quality, technically wanting and over-patronising.

Over the next three or four years, however, there was a notable improvement in the quality of some children's programmes due to an increased awareness of the problem and perhaps because producers and stations competed in the BA's Programmes Awards. However, it is felt that this by itself was not enough and that more needs to be done.

Moreover, there is an increased awareness that certain foreign cartoons and other animated programmes are so educationally, culturally and morally poor, that they are posing a risk because they are displacing good quality programmes.

The need has been felt, therefore, for an in-depth study of the best foreign children's programmes, in order to seek inspiration for a whole raft of new, higher quality local programmes. Producers of children's television programmes must be encouraged to try to improve the overall quality of their products. Adequately clear guidelines may be understood through what has been observed and commented about foreign children's programmes. In short, the authorities must inspire (by whatever means) local producers to make use of the considerable pool of local talent in order to better educate and entertain our children by means of television.

In the UK the BBC created its own children's programmes department in the 1950s, the Finnish Broadcasting Company (FBC) did likewise in 1975. Here in Malta at the time of writing, there is no dedicated entity to research, produce and distribute children's programmes. The national state broadcaster PBS, has yet to allocate sufficient resources and still treats children's programmes as



a sort of time filler. Private stations too, seem to regard children's programmes as a source of revenue through never-ending advertisements and sponsorships.

### GENERAL CHARACTERISTICS OF CHILDREN'S TELEVISION PROGRAMMES ON FOREIGN STATIONS

A study of programmes transmitted on RAI and BBC television, was carried out during March and April 2005. In this study of good children's programmes from Italy and the United Kingdom, it was confirmed that a few basic and fundamental parameters are almost always present and that the main components or "natural ingredients" that make up a good children's programme are relatively simple and can be found in programmes coming from different countries and cultures.

These are:

- Spacious studios that allow a reasonable amount of movement especially in the X-Y, but even in the Z-axis.
- Simple, easy to follow story lines, plots and studio settings.
- There is a high portrayal of children using their imagination
- Some hitherto taboo subjects are dealt with openly.
- There is ethnic diversity in both the audience and the presenters.
- Voices used for puppets, characters and animations are almost natural-sounding.
- There is no patronisation and the language used is virtually a mature type one would use to address adults.
- The use of humour and deliberate light-hearted mistakes and engineered mishaps to entertain whilst educating.
- The subject matter varies greatly within the same programme.
- Product placement and/or sponsorship is very discreet

### CASE STUDIES

#### RAI 3 – Melevisione & GT Ragazzi

Melevisione is a children's programme transmitted on RAI 3. It forms part of the daily afternoon schedule of children's programmes that include Treddi, Lupo Alberto and Cose dell'altro Geo.



Melevisione somehow targets differing age groups by managing to be interesting to all. It contains a number of short sub-programmes from different European countries such as a children's adventure series from Germany, A fairytale cartoon programme from France and another cartoon programme from Spain. All programmes are dubbed into Italian.

Melevisione's main characteristics are that it is fast-moving and each sub-programme is only short. This means that it is easy to keep the audience's attention.



GT Ragazzi is a very fast moving current affairs/news bulletin type of show that is extremely interesting and entertaining. What is really noteworthy is that although the audience is often very young, the news items are of a very adult and mature nature. In one particular episode the news items covered were the "Tragedia delle Foibe" incident between Yugoslavia and Italy towards the end of WWII and the Winter Olympics. The items were dealt with by using grown-up language and the programme structure and delivery would not have been out of place in a normal adult current affairs programme.

The only feature that indicated it was a children's programme was that certain new or difficult words were flashed on the screen to help the audience to understand.





## STORYMAKERS

Storymakers is the generic title of programmes aired on BBC prime that target very young children. Within Storymakers one may find the following programmes:

Bill and Ben the flowerpot men  
Yoho Ahoy  
Little Robots  
The Brollys  
Andy Pandy  
Binka  
Captain Abercrombie



Some of the above are classic productions that have been going on for many years, whilst others are more recent. They target a very young audience and the main characters are animated toys and shapes i.e. they are not cartoons. I have not come across an equivalent Maltese production.

As in Melevisione, the narration is natural as are the voices of the puppets / toys. Again, the language is mature whilst being good natured and humorous. For example, in Bill & Ben there are engineered mistakes such as when one of the characters says “magicifent” on purpose in order to draw attention to correct spelling. This is carried out in a very joking manner that retains the children’s attention.

They are not so educational and there are no “numbers and letters” lessons as such, but they are pleasant and they allow children to use their imagination. They often portray good examples of behaviour and morals for children.

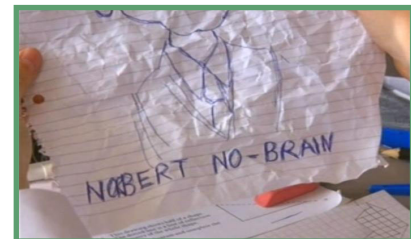
## Serious Jungle

This is a “survivalist” type of programme targeting older children of, say, 10-16 years of age. It is an adventure programme that puts kids in a jungle in Borneo where they must use their skills to survive. It is very good and invites children to build their characters.

## BBC Childsplay

Under the above generic title, one may find the following:

Featherboy  
Stig of the Dump  
Shoebus Zoo



These are dramas that target children around 10 years of age and above. They contain very good plots, good camera work, excellent scripting, special effects and allow children to run away with their imagination.

They deal with hitherto taboo subjects such as bullying and parental separation. To be honest, when assessing these programmes, I almost forgot that they were children’s programmes so professional is their delivery and exciting is their content. I cannot overstate how excellent these are.

## SOME GUIDELINES FOR PRODUCERS

Within the very limited brief of this study, I intend, somewhat humbly I hope, to tap into established research, in order to suggest guidelines for would-be producers of children’s programmes. Based upon the research available we should keep in mind what some highly respected and experienced producers have said regarding production techniques for this genre namely, that feel, imagination, passion and dedication count more than generous budgets and resources. Therefore, I propose that producers keep the following in mind:



- Moderate levels of movement and physical activity should be used without resorting to the frenetic chasing and racing of cartoons (Huston et al., 1981).
- Words should be repeated and objects named when physically present (Rice, 1983).
- Humour should be used because it not only enhances enjoyment but it also improves comprehension and content retention. (Bryant, Zillman, & Brown, 1983).
- Clear separators should be used to distinguish between programmes and commercials. In some studies children often thought separators were in fact “bridges” that connected content instead of separating it. (Palmer & McDowell, 1979).
- Remember that form signals content. Fictional stories have different formal features than programmes denoting real events such as news. Mixing different formats can confuse as demonstrated during the radio broadcast of Wells’ classic “War of the Worlds”. For example the presence of a laugh track is a formal indicator that the programme is a comedy, but it also indicates to a child who may not have understood the joke that something was *meant* to be funny.
- Plots should be simple and clear but not patronising and material should be presented in small parcels as children don’t have long attention spans.
- Don’t “pad” the programme, don’t be confusing and if a moral is presented, it should be definite and clear.
- Educational programmes should also contain features that help children repeat, rehearse and elaborate on content theme.
- Producers should try to feature children / guests / presenters coming from different racial /ethnic backgrounds.

## CONCLUSION

Hilliard states that imagination is the key to preparing and writing programmes for children. He adds “The imaginations of children are broad, exciting and stimulating. Only when we are forced into the conformity of the formal educational system and, later on, when we near adulthood, do our thoughts and imaginations become restricted.

However, Hilliard cautions “children can be led into almost any fantasy, *provided a valid, believable base exists*”. This means, therefore, that scriptwriters should allow children’s imaginations to roam as long as the story is ultimately credible.

Therefore, all those responsible for producing children’s programmes should never forget that rather than creating programmes for children, they are in fact creating something for little adults. And let us never forget that in the final analysis, children are children and not simply a market or target.

Finally, I think it is high time that the government, together with all other stakeholders, should create some sort of a body that would bring together all serious broadcasters – state, political and commercial – to produce the best possible television for our children.

Stephen Zerafa  
October 2005





## CHILDREN'S RIGHTS IN THE MALTESE AUDIOVISUAL LANDSCAPE: PROPOSALS FOR LEGISLATIVE REFORM

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### 1. INTRODUCTION

Children are fragile, vulnerable and need protection.<sup>1</sup> Despite this, the broadcasting media are not always aware of the need to protect children from certain forms of broadcasting which amount to physical, mental and moral violence perpetrated against them. Hence the need for the law's intervention to afford protection to children so that they can have their rights safeguarded. This paper succinctly sets out the provisions of international, European and, more particularly, Maltese law which protect children against harmful broadcasts by the media. The first part of this paper considers the discrepancies in the legal definition of a child/minor.<sup>2</sup> Reference to international and European soft and hard law will be made in so far as the broadcasting media are concerned whilst Maltese Law on the subject will be referred to as well. Subsequently some areas where harm may be caused to children by the said media are identified.



**Dr Kevin Aquilina**  
**Chief Executive**  
**Broadcasting Authority**

### 2. LEGAL DISCREPANCIES IN THE DEFINITION OF A 'CHILD'

The starting point on any debate on the protection of children has, first and foremost, to address the fundamental problem of defining who is to be included within this category. Everyone probably agrees that children ought to be protected from the adverse effects of the media and that might harm them, whether it be broadcast on television or on radio, whether it be published in the print media or whether it forms part of a video programme, an electronic game, a digital versatile disk, a compact disk, a theatrical performance, an exhibition or the internet. However, this notwithstanding, not everybody seems to agree on everything. Take, for instance, the definition of the term 'child' or 'minor' itself.

In Malta, even Maltese domestic law has various discrepancies in so far as the definition of a child or a minor is concerned. For example, in terms of our Civil Code,<sup>3</sup> a minor is a person who has not yet attained the age of eighteen years.<sup>4</sup> On the other hand, in terms of the Juvenile Court Act<sup>5</sup> – the law establishing the Juvenile Court which tries young criminal offenders – a child and a young person is a person who has not yet attained the age of sixteen years.<sup>6</sup> Other discrepancies can be quoted from Maltese Law in so far as the definition of a 'minor' is concerned. In fact, various categories of persons who have not attained majority are referred to in our laws, such as 'children', 'minors', 'young persons', and 'infants'. Further, adolescents between the age of 16 and 18 years are not always protected in our law in the same way as children or teenagers below 16

<sup>1</sup> For a discussion of children as vulnerable persons, vide Jay G. Blumler (ed.) *Television and the Public Interest: Vulnerable Values in West European Broadcasting*, London, Sage Publications, 1992, in particular, pp. 37-8, 48-9, 188-190 and 214-15.

<sup>2</sup> For the purpose of this article the expressions 'child' and 'minor' are used interchangeably and essentially refer to a person who has not attained the age of majority.

<sup>3</sup> Chapter 16 of the Laws of Malta.

<sup>4</sup> Article 157 of the Civil Code defines a minor as 'a person of either sex who has not attained the age of eighteen years.'

<sup>5</sup> Chapter 287 of the Laws of Malta.

<sup>6</sup> *Ibid.*, article 2.



years of age. International law, on the other hand, tries to clarify this problem. For instance, Article 1 of the Convention on the Rights of the Child<sup>7</sup> has it that:

For the purposes of the present Convention, a child means every human being below the age of eighteen years, unless, under the law applicable to the child, majority is attained earlier.<sup>8</sup>

Hence the position in Malta is that the *lex generalis*, that is, the Civil Code, establishes majority at eighteen years of age but then there are various laws on the statute book which grant rights and impose duties on children even if they are less than the age of majority.<sup>9</sup>

### 3. CHILDREN'S RIGHTS WITHIN THE BROADCASTING LANDSCAPE: THE INTERNATIONAL LEGAL PERSPECTIVE

In so far as public international broadcasting law is concerned, there are two international institutions which have dealt with children's rights, the United Nations and the United Nations Educational, Scientific and Cultural Organisation (UNESCO).<sup>10</sup>

#### 3.1. The Contribution of the United Nations

Given that the purpose of this paper is to focus specifically on the rights of children within the broadcasting landscape it might be useful to recall article 13 of the United Nations Convention on the Rights of the Child, 1989 which states that:

(1) The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

(2) The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) for respect of the rights or reputations of others; or

(b) for the protection of national security or of public order, or of public health or morals.

Furthermore, article 17 of the said Convention provides that:

State Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, State Parties shall:

(a) *encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;*<sup>11</sup>

<sup>7</sup> The same definition is adopted in article 2 of the Commissioner for Children Act, Chapter 462 of the Laws of Malta. The latter enactment is a recent innovation on the Maltese Statute Book. It entered into force on 5<sup>th</sup> December 2003 in terms of Legal Notice 389 of 2003.

<sup>8</sup> United Nations Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989 in Maria Rita Saulle and Flaminia Kojanec, *Rights of the Child: International Instruments*, New York, Transnational Publishers, Inc., 1995, pp. 9 – 29. Prior to becoming hard law, this Convention was preceded by a soft law instrument, the United Nations Declaration on the Rights of the Child adopted by General Assembly Resolution 1386 (XIV) on 20<sup>th</sup> November 1959, available at [http://www.unicef.org/about/who/index\\_history.html](http://www.unicef.org/about/who/index_history.html).

<sup>9</sup> For instance, the Identity Card Act provides that every person above the age of fourteen years has to be in possession of a valid identity card (article 3(1) of Chapter 258 of the Laws of Malta); and the Commercial Code provides that a minor who has attained the age of sixteen years may trade (article 9 of Chapter 13 of the Laws of Malta).

<sup>10</sup> The United Nations Specialised Agency which deals primarily with children's rights is UNICEF. It is guided by the United Nations Convention on the Rights of the Child.

<sup>11</sup> Article 29 reads as follows:

(1) *State Parties agree that the education of the child shall be directed to:*



*(b) encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;*

*(c) encourage the production and dissemination of children's books;*

*(d) encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or is indigenous;*

*(e) encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being bearing in mind the provisions of Articles 13 and 18.<sup>12</sup>*

Indeed, it is with regard to Articles 13 and 17 of the United Nations Convention on the Rights of the Child, 1989 that broadcasting regulatory authorities have a seminal role to play.<sup>13</sup> In addition, in terms of article 9(l) of the Commissioner for Children Act,<sup>14</sup> the Commissioner for Children has the function to promote compliance with the United Nations Convention aforesaid whilst the Council of Children established under article 12(6) of the said enactment has to monitor compliance with the aforesaid United Nations Convention. Furthermore, according to article 17 of the Commissioner for Children Act the Commissioner may make recommendations concerning the non-compliance by any person or body with the provisions of this Convention.

The Convention is supplemented by two Optional Protocols, the Optional Protocol on the Involvement of Children in Armed Conflict<sup>15</sup> and the Option Protocol on the Sale of Children, Child Prostitution and Child Pornography.<sup>16</sup> The latter Protocol is of relevance to this article as it defines child pornography as 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes'<sup>17</sup> and outlaws the production, distribution, dissemination, importation,

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*(a) the development of the child's personality, talents and mental and physical abilities to their fullest potential;*

*(b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*

*(c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*

*(d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples ethnic, national and religious groups and persons of indigenous origin.*

<sup>12</sup> Article 18 reads as follows:

*(1) State Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.*

*(2) For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions and services for the care of children.*

*(3) States parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.*

<sup>13</sup> The Convention was adopted and opened for signature by the United Nations General Assembly Resolution 44/25 of 20 November 1989. It entered into force on 2<sup>nd</sup> September 1990. Malta signed the Convention on 26<sup>th</sup> January 1990 and ratified it on 30<sup>th</sup> September 1990.

<sup>14</sup> Chapter 462 of the Laws of Malta.

<sup>15</sup> This Optional Protocol entered into force of 12 February 2002. It was signed by Malta on 7<sup>th</sup> September 2000 and ratified on 9<sup>th</sup> May 2002. It is available at <http://www.unhchr.ch/html/menu2/6/protocolchild.htm>.

<sup>16</sup> This Optional Protocol entered into force on 18 January 2002. It was signed by Malta on 7<sup>th</sup> September 2000. At the moment of writing Malta has not yet ratified this Protocol. The text thereof is available at <http://www.unicef.org/crc/annex2.htm>.

<sup>17</sup> Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, article 2, paragraph (c).





exportation, offer, sale and possession of child pornography.<sup>18</sup> Hence, this Optional Protocol applies also to the broadcasting media.

### **3.2. The Contribution of the United Nations Educational, Scientific and Cultural Organization (UNESCO)**

UNESCO, in Resolution 30 adopted by the General Conference at its twenty-ninth session has invited 'professional associations of journalists and the media to draw up, where they do not yet exist, professional guidelines to reduce violence on the electronic media and on international networks such as the Internet, with the particular objective of protecting the very young, and to respect these guidelines by applying self-discipline and self-regulation.'<sup>19</sup>

## **4. CHILDREN'S RIGHTS WITHIN THE BROADCASTING LANDSCAPE: THE EUROPEAN REGIONAL PERSPECTIVE**

The European regional broadcasting landscape can be principally divided into two regional institutions, the European Union and the Council of Europe.

### **4.1. The Contribution of the European Union**

As Malta has joined the European Union on 1st May 2004, it is since then bound by the E.U. audiovisual *acquis communautaire*.<sup>20</sup> In so far as the protection of minors within the broadcasting landscape is concerned, this subject is considered by the European Union in different instruments as outlined below.<sup>21</sup>

#### **4.1.1. The Charter of Fundamental Rights of the European Union**

The Charter of Fundamental Rights of the European Union provides in Article 24, paragraph 1, that 'children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.'<sup>22</sup> This provision is also included in Article II-24, paragraph 1, of the Treaty Establishing a Constitution For Europe.<sup>23</sup> The first sentence of this article is of a very general nature and hence there is no reason why it should not apply to the broadcasting milieu.

#### **4.1.2. The Television Without Frontiers Directive**

<sup>18</sup> *Ibid.*, article 3, paragraph 1, sub-paragraph (c).

<sup>19</sup> 12<sup>th</sup> November 1997, available at [http://www.unesco.org/webworld/com\\_communication\\_democracy/children\\_violence.htm](http://www.unesco.org/webworld/com_communication_democracy/children_violence.htm). The Malta Institute of Journalists, in its *Code of Journalistic Ethics* has taken on board UNESCO's recommendation of drawing up guidelines with the objective of protecting minors. This is done in the following provisions of the said Code: Article 6 ('Any publication, which involves the naming of minors, is prohibited') and Article 11 ('Every journalist is required to respect minors under the age of eighteen. Except in matters connected with sports, no minor is to be interviewed unless the preventive permission of one of his parents, guardian or tutor is obtained.'). For the text of the whole Code vide <http://www.maltapressclub.org/ethics-new.htm>. For the text of more than 120 media codes of ethics/conduct/ practice vide Professor Charles Husband and M.Y. Alan, *Tuning into Diversity CD-ROM*, Tuning into Diversity Project, *Centro Studi Investimenti Sociali*, Censis, Rome, March, 2002.

<sup>20</sup> For a chronology and text of the audiovisual *acquis* vide [http://europa.eu.int/comm/avpolicy/regul/regul\\_en.htm](http://europa.eu.int/comm/avpolicy/regul/regul_en.htm) whilst for the audiovisual *acquis* concerning the protection of minors vide [http://europa.eu.int/comm/avpolicy/regul/new\\_srv/pmhd\\_en.htm](http://europa.eu.int/comm/avpolicy/regul/new_srv/pmhd_en.htm).

<sup>21</sup> For a list of the applicable EU materials on the protection of minors in the audiovisual landscape, vide [http://europa.eu.int/comm/avpolicy/regul/new\\_srv/pmhd\\_en.htm](http://europa.eu.int/comm/avpolicy/regul/new_srv/pmhd_en.htm). For the text of E.U. Member States national legislation on advertising aimed at children, vide Dr. Susanne Nikoltchev (ed.), *Regulation on Advertising Aimed At Children in EU-Member States and Some Neighbouring States: The Legal Framework*, Strasbourg, European Audiovisual Observatory, 25<sup>th</sup> May 2000, available at [http://www.obs.coe.int/online\\_publication/reports/chiladv.pdf](http://www.obs.coe.int/online_publication/reports/chiladv.pdf).

<sup>22</sup> Official Journal of the European Communities, 18<sup>th</sup> December 2000, 2000/C 364/8.

<sup>23</sup> This Treaty is not yet in force. The relative text thereof is available at [http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/c\\_16920030718en00010105.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/c_16920030718en00010105.pdf).



Article 22 of the amending Television Without Frontiers Directive 97/36/EC<sup>24</sup> provides as follows:

*1. Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.*

*2. The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selection the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.*

*3. Furthermore, when such programmes are broadcast in unencoded form Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration.*

The first paragraph of the above provision has been transposed in article 3 of the Broadcasting Code for the Protection of Minors, 2000;<sup>25</sup> the second paragraph thereof has been transposed in article 4 of the said Code; and the third paragraph has been transposed in article 5 of the said Code. This Directive does not relate solely to the protection of minors as it also establishes the legal regime for the free movement of television broadcasting services in the European Union in order to promote the development of an European market in broadcasting and related activities. Furthermore, this Directive applies only to television services and hence radio services are thereby excluded from its ambit. Originally, the Directive was also intended to apply to radio services but this proposal was subsequently dropped.<sup>26</sup>

Article 16 of the Directive also makes provision for the protection of minors in so far as advertising and teleshopping are concerned:

1. Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- (a) it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- (b) it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
- (c) it shall not exploit the special trust minors place in parents, teachers or other persons;
- (d) it shall not unreasonably show minors in dangerous situations.

2. Teleshopping shall comply with the requirements referred to in paragraph 1 and, in addition, shall not exhort minors to contract for the sale or rental of goods and services.'

#### **4.1.3. Recommendations**

The Council adopted on 24 September 1998 a Recommendation on the Development of the Competitiveness of the European Audiovisual and Information Services Industry by Promoting National Frameworks Aimed at Achieving a Comparable and Effective Level of Protection of

<sup>24</sup> The Council Directive of 3 October 1989 on the Coordination of Certain Provisions Laid Down by Law, Regulation or Administrative Action in Member States Concerning the Pursuit of Television Broadcasting Activities (89/552/EEC, Official Journal L 298, 17/10/1989, pp. 23-30) – referred as to the Television Without Frontiers Directive - was amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 (Official Journal L 202, 30/07/1997, pp. 60-70). The text of the consolidated Directive is available at [http://europa.eu.int/eur-lex/en/consleg/pdf/1989/en\\_1989L0552\\_do\\_001.pdf](http://europa.eu.int/eur-lex/en/consleg/pdf/1989/en_1989L0552_do_001.pdf). For a study of the Television Without Frontiers Directive, vide Richard Collins, *Broadcasting And Audio-Visual Policy In The European Single Market*, John Libbey & Company Ltd., 1994 and Emmanuelle Machet, *The Directive Television Without Frontiers*, Düsseldorf, The European Institute for the Media, 1999.

<sup>25</sup> Legal Notice 160 of 2000. For a discussion of the said Code, vide Lisa D'Amato, *Recent Trends in Broadcasting Legislation*, Msida, Faculty of Laws, University of Malta, LL.D. thesis, 2003, pp. 39-47.

<sup>26</sup> The European Institute for the Media, *Towards a European Common Market For Television: Contribution to the Debate*, Manchester, September 1987. Vide, in particular, p. 5.





Minors and Human Dignity.<sup>27</sup> It makes four recommendations addressed to Member States: (a) to foster a climate of confidence which will promote the development of the audiovisual sector by 'promoting, as a supplement to the regulatory framework, the establishment on a voluntary basis of national frameworks for the protection of minors and human dignity in audiovisual and information services'; (b) to encourage broadcasters in their jurisdiction 'to carry out research and to experiment, on a voluntary basis, with new means of protecting minors and informing viewers, as a supplement to the national and Community regulatory frameworks governing broadcasting'; (c) to take effective measures 'to reduce potential obstacles to the development of the on-line services industry while sustaining the fight against illegal content offensive to human dignity'; and (d) to promote the taking up of 'technological developments and in addition to and consistent with existing legal and other measures regarding broadcasting services, and in close cooperation with the parties concerned'. The Recommendation also addresses the industry and parties concerned to cooperate with the relevant authorities to facilitate participation in the fields covered by the Recommendation and in the drawing up of codes of conduct for the protection of minors applying to the provision of on-line services; to develop new means of protecting minors and informing viewers in order to encourage innovation whilst improving protection; developing 'positive measures for the benefit of minors, including initiatives to facilitate their wider access to audiovisual and information services, while avoiding potentially harmful content' and to collaborate in regular evaluation of initiatives taken at the national level.

Currently, a Proposal for a Recommendation of the European Parliament and of the Council is being considered on the Protection of Minors and Human Dignity and the Right of Reply in relation to the Competitiveness of the European Audiovisual and Information Services Industry.<sup>28</sup> It recommends that Member States foster a climate of confidence which will promote the development of the audiovisual and information services industry by promoting, in order to encourage the take-up of technological developments and in addition to and consistent with existing legal and other measures regarding broadcasting services, and in close cooperation with the parties concerned: (a) action to enable minors to make responsible use of on-line audiovisual and information services, notably by improving the level of awareness among parents, educators and teachers of the potential of the new services and of the means whereby they may be made safe for minors, in particular through media literacy or media education programmes; and (b) action to facilitate, where appropriate and necessary, identification of, and access to, quality content and services for minors, including through the provision of means of access in educational establishments and public places.

It further recommends that the industries and parties concerned develop positive measures for the benefit of minors, including initiatives to facilitate their wider access to audiovisual and information services, while avoiding potentially harmful content, including a 'bottom-up' harmonization through cooperation between self-regulatory and co-regulatory bodies in the Member States, and through the exchange of best practices concerning such issues as a system of common, descriptive symbols which would help viewers to assess the content of programmes.

#### **4.2. The Contribution of the Council of Europe**

The contribution of the Council of Europe in so far as the protection of children within the broadcasting landscape is concerned, is divided in this article into two parts: the hard law and the soft law aspect.

##### **4.2.1. The Hard Law Aspect**

The Council of Europe's European Convention on Transfrontier Television 1989<sup>29</sup> as amended by the Protocol<sup>30</sup> made thereto provides for similar obligations to that contained in the E.U. Television Without Frontiers Directive aforesaid. Article 7, paragraph 2, of the Transfrontier Television

<sup>27</sup> Council Recommendation 98/560/EC is available at [http://europa.eu.int/eur-lex/pri/en/oj/dat/1998/1\\_270/l\\_27019981007en00480055.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/1998/1_270/l_27019981007en00480055.pdf).

<sup>28</sup> Brussels, COM (2004) 341 final, dated 30<sup>th</sup> April, 2004. The relative text of this Commission Proposal is available at [http://europa.eu.int/comm/avpolicy/legis/key\\_doc/legispdffiles/com04-341-en.pdf](http://europa.eu.int/comm/avpolicy/legis/key_doc/legispdffiles/com04-341-en.pdf).

<sup>29</sup> The European Convention on Transfrontier Television was done on the 5<sup>th</sup> May 1989 and entered into force on 1<sup>st</sup> May 1993.

<sup>30</sup> The Protocol to the Transfrontier Convention was done on 9 September 1998 and entered into force on 1 March 2002.



Convention as revised<sup>31</sup> provides that all 'items of programme services which are likely to impair the physical, mental or moral development of children and adolescents shall not be scheduled when, because of the time of transmission and reception, such categories of persons are likely to watch them.' According to the Explanatory Report to this Convention, the 'scheduling of programmes or other items of programme services which are unsuitable for children or adolescents must take into account the time difference between the Parties, and consequently the official time in both the transmitting and receiving Parties.'<sup>32</sup>

Moreover, the said items have to 'respect the dignity of the human being and the fundamental rights of others'<sup>33</sup> and, in particular, cannot be indecent, nor contain pornography<sup>34</sup> or give undue prominence to violence or be likely to incite to racial hatred.<sup>35</sup> Again, the Explanatory Report clarifies that paragraph 1a is designed 'to exclude indecency and pornography from all programme services transmitted by a broadcaster, otherwise the effective control of such services would be difficult in a transfrontier context',<sup>36</sup> that 'the notion of indecency is to be read in the light of the case-law of the organs of the European Convention on Human Rights, notably in the Handyside case<sup>37</sup> (Judgement of 7 December 1976) and the Müller and others case<sup>38</sup> (Judgement of 24 May 1988)'<sup>39</sup> and that paragraph 1b concerning violence and racial hatred, 'does not imply that such violence and hatred as exist in society cannot be portrayed in television programme services, but it is designed to ensure that violence as such is not given a prominent place in programme services.'<sup>40</sup>

Furthermore, article 11, paragraph 3,<sup>41</sup> provides that 'advertising and teleshopping addressed to or using children shall avoid anything likely to harm their interests and shall have regard to their susceptibilities' whilst article 11, paragraph 4<sup>42</sup> provides that 'teleshopping shall not exhort minors to contract for the sale or rental of goods and services.' The Explanatory Report notes that paragraph 3 supplements the provisions of Article 7, paragraph 2, afore-quoted and 'accords specific protection of the interests of children and adolescents'.<sup>43</sup> Examples of how minors are to be protected against any advertising as well as teleshopping programmes which cause them harm can be taken from Article 16 of the E.U. Television Without Frontiers Directive.

Moreover, article 15, paragraph 2(a), when dealing with the advertisements for alcoholic beverages of all varieties, provides that these cannot be 'addressed particularly to minors and no one associated with the consumption of alcoholic beverages in advertisements should seem to be a minor.'<sup>44</sup>

#### 4.2.2. The Soft Law Aspect

Regard should be had to the Council of Europe's Committee of Ministers' Recommendation No. R (89) 7 concerning *Principles of the Distribution of Videograms Having a Violent, Brutal or Pornographic Content*<sup>45</sup> and Recommendation No. R (97) 19 *On the Portrayal of Violence in the*

<sup>31</sup> Council of Europe, Document T-TT (2000) 8, *The Revised European Convention on Transfrontier Television and its Explanatory Report*, Strasbourg, 2000, p. 9.

<sup>32</sup> *Ibid.*, Explanatory Report to the Revised European Convention on Transfrontier Television, paragraph 163, p. 47.

<sup>33</sup> *Ibid.*, European Convention on Transfrontier Television, Article 7, paragraph 1, p. 8.

<sup>34</sup> *Ibid.*, Article 7, paragraph 1(a), p. 8.

<sup>35</sup> *Ibid.*, Article 7, paragraph 1(b), p. 8.

<sup>36</sup> *Ibid.*, Explanatory Report to the Revised European Convention on Transfrontier Television, paragraph 158, p. 46.

<sup>37</sup> Publications of the E.C.H.R., 7 December 1976, *Handyside v. United Kingdom*, Series A, No. 24.

<sup>38</sup> Publications of the E.C.H.R., 24 May 1988, *Müller and Others v. Switzerland*, Series A, No. 133.

<sup>39</sup> Council of Europe, Document T-TT (2000) 8, *The Revised European Convention on Transfrontier Television and its Explanatory Report*, Strasbourg, 2000, Explanatory Report to the Revised European Convention on Transfrontier Television, paragraph 159, p. 47.

<sup>40</sup> *Ibid.*, paragraph 160, p. 47.

<sup>41</sup> *Ibid.*, p. 11.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*, paragraph 211, p. 55.

<sup>44</sup> Council of Europe, Document T-TT (2000) 8, *The Revised European Convention on Transfrontier Television and its Explanatory Report*, Strasbourg, 2000, p. 13.

<sup>45</sup> Adopted on 27 April 1989, available at <http://cm.coe.int/ta/rec/1989/89r7.htm>.



*Electronic Media*.<sup>46</sup> Finally, the Council of Europe's Standing Committee on Transfrontier Television is currently examining a draft recommendation on the protection of minors.

## 5. CHILDREN'S RIGHTS WITHIN THE BROADCASTING LANDSCAPE: THE MALTESE LEGAL PERSPECTIVE

Maltese broadcasting law conferring rights upon children intended to safeguard their interests is scattered in various instruments, some of which incorporate or transpose international and European legislation on the subject, these being:

- (a) the Broadcasting Act;
- (b) the Broadcasting Code for the Protection of Minors, 2000;
- (c) the Television Programmes (Classification Certificates) Regulations, 1994;
- (d) the Broadcasting Authority's Guidelines on Alcoholic Drink Advertising, 2001;
- (e) the Broadcasting Authority's Guidelines on Advertising Concerning Medicines, Treatments, Health Claims, Nutrition and Dietary Supplements, 2001;
- (f) the Broadcasting Authority Guidelines on the Coverage of Tragedies, 2001;
- (g) the Broadcasting Authority's Family Viewing and Listening Policy, 2003;
- (h) the Broadcasting Authority's Guidelines on News and Current Affairs, 2004;
- (i) the Broadcasting Authority's Guidelines Regarding Participation in Media Programmes of Vulnerable Persons, 2005;
- (j) the Broadcasting Authority's Guidelines on the Reporting of News and the Production of Programmes on the Commission of Offences, Their Investigation and Court Proceedings, 2005;
- (k) the Criminal Code;
- (l) the Arms Ordinance; and
- (m) the Commissioner for Children Act.

### 5.1. The Broadcasting Act

The Broadcasting Act<sup>47</sup> provides that it is the duty of the Broadcasting Authority to satisfy itself that, so far as possible, programmes broadcast by persons providing sound or television broadcasting services in Malta do not include anything therein which offends against good taste and decency.<sup>48</sup> In addition, the Broadcasting Authority, in conjunction with the Minister responsible for broadcasting, are empowered to draw up and, from time to time review, a code giving guidance, *inter alia*, as to the rules to be observed in regard to the showing of violence, and in regard to the inclusion in sound broadcasts of sounds suggestive of violence, particularly when children and young persons may be expected to be watching or listening to the programmes.<sup>49</sup> The same provision also empowers the Authority and the Minister to regulate 'other matters concerning standards and practices for programmes broadcast' but in so doing, they are obliged to 'have special regard to programmes broadcast when children and young persons may be expected to be watching or listening.'<sup>50</sup>

Moreover, the Third Schedule to the Broadcasting Act<sup>51</sup> provides: (a) that advertising and teleshopping cannot prejudice respect for human dignity,<sup>52</sup> (b) that advertising and teleshopping for alcoholic beverages may not be 'aimed specifically at minors or, in particular, depict minors acquiring or consuming these beverages',<sup>53</sup> and (c) that 'teleshopping windows may not be broadcast immediately before or after a programme aimed at children'.<sup>54</sup>

### 5.2. The Broadcasting Code for the Protection of Minors, 2000

<sup>46</sup> Adopted on 30<sup>th</sup> October 1997, available at <http://cm.coe.int/ta/rec/1997/97r19.html>.

<sup>47</sup> Chapter 350 of the Laws of Malta.

<sup>48</sup> This provision is supplemented by the Television Programmes (Classification Certificates) Regulations 1994 and by the Broadcasting Authority's Family Viewing and Listening Policy 2003, both discussed *infra* at p. 15 and pp. 17-18 respectively. For a discussion on taste and decency in broadcasting, vide Andrea Millwood Hargrave, *Taste and Decency in Broadcasting*, London, John Libbey & Company Ltd., 1991; and Geoffrey Roberston and Andrew Nicol, *Media Law*, London, Penguin Books, 1992, pp. 613-615.

<sup>49</sup> Broadcasting Act, article 13(2)(a).

<sup>50</sup> *Ibid.*, article 13(2)(b).

<sup>51</sup> This Schedule contains the text of a 'Code for Advertisements, Teleshopping and Sponsorship'.

<sup>52</sup> Broadcasting Act, Third Schedule, paragraph 1(a).

<sup>53</sup> *Ibid.*, paragraph 19(a).

<sup>54</sup> *Ibid.*, paragraph 45.



More extensive provision for safeguarding the rights of children in the broadcasting media is made in the Broadcasting Code for the Protection of Minors, 2000<sup>55</sup> which was made by the Broadcasting Authority and the Minister responsible for broadcasting in terms of article 20(1)(b) of the Broadcasting Act. This Code is the most exhaustive of all the provisions of Maltese Broadcasting Law in so far as the protection of minors within the audio-visual landscape is concerned as it deals with pornographic and violent programmes,<sup>56</sup> other programmes which impair the development of minors,<sup>57</sup> programmes broadcast in unencoded form,<sup>58</sup> advertising directed at minors<sup>59</sup> and teleshopping directed at minors.<sup>60</sup>

### **5.3. The Television Programmes (Classification Certificates) Regulations, 1994**

The Television Programmes (Classification Certificates) Regulations, 1994<sup>61</sup> ensures that no film is broadcast on television unless it has been granted a classification certificate.<sup>62</sup> Each television broadcaster has to appoint a person for the purpose of issuing such certificates and the details of such person are to be communicated to the Broadcasting Authority<sup>63</sup> whilst the contents of a classification certificate is established in these regulations.<sup>64</sup> When classifying programmes, such person has to carry out this function 'having regard to public morality, decency or propriety, to the protection of the interests of minors, to the qualities of the audience likely to view the broadcast also taking into account of the means of transmission, and the provisions of the Broadcasting Act and anything done thereunder.' Hence, such person has to be familiar with both the provisions of the Broadcasting Act and all the subsidiary legislation made thereunder, including all the Broadcasting Authority Guidelines pertinent to the subject. Of particular relevance, undoubtedly, will be the Authority's Family Viewing and Listening Policy, 2003.

### **5.4. The Broadcasting Authority's Guidelines on Alcoholic Drink Advertising, 2001**

The Broadcasting Authority's Guidelines on Alcoholic Drink Advertising<sup>65</sup> state that 'advertisements for alcoholic drinks cannot be broadcast before 7.00 p.m.'<sup>66</sup> These Guidelines apply both to radio and television. Furthermore, 'alcoholic drink advertising shall not be directed at people under 18 years of age or use treatment likely to be of particular appeal to them',<sup>67</sup> they cannot include any personality 'whose example people under 18 years of age are likely to follow or who has a particular appeal to people under 18 years of age',<sup>68</sup> and 'children shall not be seen or heard in advertisements for alcoholic drinks'.<sup>69</sup>

### **5.5. The Broadcasting Authority's Guidelines on Advertising Concerning Medicines, Treatments, Health Claims, Nutrition and Dietary Supplements, 2001**

The Broadcasting Authority's Guidelines on Advertising Concerning Medicines, Treatments, Health Claims, Nutrition and Dietary Supplements<sup>70</sup> state that advertisements for medicinal products and treatment cannot be directed exclusively or principally at children under the age of sixteen years.<sup>71</sup>

### **5.6. The Broadcasting Authority Guidelines on the Coverage of Tragedies, 2001**

The Broadcasting Authority's Guidelines on the Coverage of Tragedies in Broadcasting<sup>72</sup> provide that 'children's vulnerability must be a prime concern for broadcasters',<sup>73</sup> that it must be

<sup>55</sup> Made by Legal Notice 160 of 2000.

<sup>56</sup> Broadcasting Code for the Protection of Minors, paragraph 3.

<sup>57</sup> *Ibid.*, paragraph 4.

<sup>58</sup> *Ibid.*, paragraph 5.

<sup>59</sup> *Ibid.*, paragraph 6 and 8 to 29.

<sup>60</sup> *Ibid.*, paragraphs 7 and 20.

<sup>61</sup> Legal Notice 44 of 1994.

<sup>62</sup> Television Programmes (Classification Certificates) Regulations, 1994, regulation 3.

<sup>63</sup> *Ibid.*, regulation 3.

<sup>64</sup> *Ibid.*, regulation 4.

<sup>65</sup> These Guidelines are effective from 9<sup>th</sup> February 2001.

<sup>66</sup> Broadcasting Authority Guidelines on Alcoholic Drink Advertising, 2001, paragraph 2.1.

<sup>67</sup> *Ibid.*, paragraph 3.1.

<sup>68</sup> *Ibid.*, paragraph 3.2.

<sup>69</sup> *Ibid.*, paragraph 3.3.

<sup>70</sup> These Guidelines are effective from 9<sup>th</sup> February, 2001.

<sup>71</sup> Broadcasting Authority Guidelines on Advertising Concerning Medicines, Treatments, Health Claims, Nutrition and Dietary Supplements, 2001, paragraph 6.1.

<sup>72</sup> These Guidelines are effective from 20<sup>th</sup> August, 2001.



understood that 'children do not lose their rights to privacy because of tragic events concerning their parents or their school',<sup>74</sup> that 'care should be taken that a child's gullibility or trust is not abused to obtain more information concerning the tragedy',<sup>75</sup> that 'children should not be questioned about private family matters or asked for views on matters likely to be beyond their capacity to answer properly',<sup>76</sup> that 'consent from parents or those *in loco parentis* should be obtained before interviewing children under sixteen on matters of significance. Where consent has not been obtained or actually refused, any decision to go ahead can only be justified if the tragedy is of overriding public interest and the child's appearance is absolutely necessary',<sup>77</sup> that 'children under sixteen involved in tragedies where police enquiries or legal proceedings are taken should not be identified in programmes',<sup>78</sup> and that 'notwithstanding what may be deemed to be acceptable for reasons of newsworthiness and the public's right to know, certain situations, particularly those involving gory, shocking and other appalling scenes likely to impress, should not be broadcast before the watershed'.<sup>79</sup>

### 5.7. The Broadcasting Authority's Family Viewing and Listening Policy, 2003

The Broadcasting Authority's Family Viewing and Listening Policy 2003 establishes a watershed for all programmes broadcast on both radio and television and sets out a rating classification system.<sup>80</sup> The Policy applies both to the actual programmes and to programme trailers.<sup>81</sup> It goes beyond the Television (Classification Certificates) Regulations, 1994 as the latter apply only to films whilst the former regulate all forms of programming – whatever their genre – and comprises also radio services.

The Broadcasting Authority's Family Viewing and Listening Policy provides that adult related programmes are to be broadcast only after 9.00p.m. Within the progression of successive programmes scheduled from early evening until closedown:

- (i) 9.00p.m. is fixed as the point up to which the broadcasters will normally regard themselves as responsible for ensuring that nothing is shown that is unsuitable for children;
- (ii) after 9.00p.m., progressively less suitable (i.e. more adult) material may be shown, and it may be that a programme that would not be suitable at 9.00p.m. will be acceptable, for example, at 10.30p.m.

### 5.8. The Broadcasting Authority's Guidelines on News and Current Affairs, 2004

The Broadcasting Authority's Guidelines on News and Current Affairs, 2004<sup>82</sup> provide that 'scenes of human suffering and people in distress are often an integral part of news reportage of natural disasters, accidents or human violence. Before presenting such scenes a producer needs to balance the wish to serve the needs of truth against the risk of sensationalism. A prior announcement should be made to warn that the subsequent scenes might not be suitable for viewing by children',<sup>83</sup> that care should be taken when scenes of violence are repeated in succeeding news bulletins, at times when children would be watching',<sup>84</sup> that 'particular consideration and prudence should be exercised in all cases concerning minors, whether interest

<sup>73</sup> The Broadcasting Authority's Guidelines on the Coverage of Tragedies in Broadcasting, 2001, paragraph 7.1.

<sup>74</sup> *Ibid.*, paragraph 7.2.

<sup>75</sup> *Ibid.*, paragraph 7.3.

<sup>76</sup> *Ibid.*, paragraph 7.4.

<sup>77</sup> *Ibid.*, paragraph 7.5.

<sup>78</sup> *Ibid.*, paragraph 7.6.

<sup>79</sup> *Ibid.*, paragraph 7.7. As to the relevance of the watershed in the protection of children confer Gillian Ramsay, *The Watershed: Providing a Safe Viewing Zone*, London, The British Broadcasting Corporation, The Broadcasting Standards Commission and The Independent Television Commission, October 2003.

<sup>80</sup> For a discussion of the impact of television on the family, vide Barrie Gunter and Michael Svennevig, *Behind and in Front of the Screen: Television's Involvement with Family Life*, London, John Libby & Company Ltd., 1987.

<sup>81</sup> In terms of paragraph 29 of the Code for the Protection of Minors, 2000, adult only rated film trailers cannot be transmitted during minor's programmes or in advertisement breaks immediately before or after them.

<sup>82</sup> These Guidelines are effective from 4<sup>th</sup> May 2004.

<sup>83</sup> Guidelines on News and Current Affairs, paragraph 8.8.

<sup>84</sup> *Ibid.*, paragraph 9.3.



therein is derived from private or public matters',<sup>85</sup> where minors are or have been involved in police enquiries or court proceedings, particularly but not limited to sexual offences, special care needs to be taken to avoid any indication of the identity of the person<sup>86</sup> and 'particular care needs to be taken when reporting sexual crimes within a family. Naming the accused and describing the crime can have the effect of identifying the victim. Giving information about an accused person's address may contribute to the jigsaw, which identifies the victim.'<sup>87</sup>

### **5.9. The Broadcasting Authority's Guidelines Regarding Participation in Media Programmes of Vulnerable Persons, 2005**

The Broadcasting Authority's Guidelines Regarding Participation in Media Programmes of Vulnerable Persons, 2005<sup>88</sup> also contain elements which deal with children. Children are included within the definition of 'vulnerable persons',<sup>89</sup> a qualified person such as a social worker, consultant, psychologist, psychotherapist or psychiatrist) independent of the production team must explain to the child the implications of programme participation prior to giving consent,<sup>90</sup> and if the said qualified person states that it would be better for a child not to participate in such a programme, then producers are invariably expected to abide by such advice.<sup>91</sup> In addition, the producer is duty bound to ascertain that children have permission from their parents to participate in programmes,<sup>92</sup> that once such permission is granted, programme participation has to be for the children's benefit,<sup>93</sup> unless the children themselves refuse to participate therein, and the qualified person has always to be involved and to certify that the whole process was carried out in accordance with the procedures established in the guidelines.<sup>94</sup> Further, where children are the protagonists in a programme intended for adults, the children's parts have to be recorded.<sup>95</sup> Again, where children participate in a programme, producers have to be extra-careful to ensure that the children's interests are properly safeguarded bearing in mind the fact that very young children find it difficult to discern between reality and fantasy and are not always able to choose between truth and gossip.<sup>96</sup>

### **5.10. The Broadcasting Authority's Guidelines on the Reporting of News and the Production of Programmes on the Commission of Offences, Their Investigation and Court Proceedings**

The Broadcasting Authority's Guidelines on the Reporting of News and the Production of Programmes on the Commission of Offences, Their Investigation and Court Proceedings<sup>97</sup> provide specifically with regard to minors that during the trial and sentence, the journalist is as a rule free to report on everything that is said or done in Court provided there is no Court prohibition to do so. Publicity during the actual trial therefore is extended to the maximum and restrictions to the freedom of expression, as a rule, are reduced to a minimum. There would however still remain those exceptional cases where a balance has to be found between the right of protection of the individual as against society's right to be informed. Thus, for example, where the charge is one of sexual abuse, the identity of the victim, as a rule, is not allowed to be publicised and the same thing happens in cases where the accused, the witnesses or the victims are minors.

Again, in so far as the victim of the crime is concerned, often, when the offence is of a certain gravity, the publication of the identity of the victim and his unnecessary involvement in the story increase the trauma and suffering that he/she goes through. Apart from other rules that the journalist has to abide by with regard to persons suffering all sorts of accidents, he/she is bound to do his/her utmost to alleviate the impact of publicity on the unwilling victim of the offence. As a general rule, the journalist should wherever possible avoid identifying the victim of the crime as

<sup>85</sup> *Ibid.*, paragraph 10.1.

<sup>86</sup> *Ibid.*, paragraph 10.2.

<sup>87</sup> *Ibid.*, paragraph 10.3.

<sup>88</sup> These Guidelines are effective from 25<sup>th</sup> January 2005.

<sup>89</sup> Guidelines Regarding Participation in Media Programmes of Vulnerable Persons, paragraph 2.2

<sup>90</sup> *Ibid.*, paragraph 3.1.3.

<sup>91</sup> *Ibid.*, paragraph 3.1.6.

<sup>92</sup> *Ibid.*, paragraph 4.1.1.

<sup>93</sup> *Ibid.*, paragraph 4.1.2.

<sup>94</sup> *Ibid.*, paragraph 4.1.3.

<sup>95</sup> *Ibid.*, paragraph 4.1.4.

<sup>96</sup> *Ibid.*, paragraph 4.1.5.

<sup>97</sup> These Guidelines are effective from 18<sup>th</sup> August 2005.







long as this has not become public in some other way. This should apply more particularly to crimes of bodily harm amongst which those of sexual violence. The identification of the victim in these cases should always occur with the victim's permission, preferably in writing or recorded unless the victim does not offer to tell the story and to identify himself/herself. There are nonetheless exceptions to these rules in the public interest. Thus for example if the victim killed is a minor, even though special laws would otherwise apply, the highest protection of anonymity should be afforded.

Moreover, with regard to the person suspected of committing the offence or the accused, the guidelines provide that there are instances where it is not permitted to identify an accused person by name. These include wherever there is a court order in this sense and wherever the accused is a minor unless his/her identification is authorised by the court in exceptional circumstances.

These guidelines also refer to vulnerable persons amongst which children are included. In fact, they provide that the journalist is in duty bound to respect the right to privacy of individuals involved in criminal trials particularly of those who are vulnerable. On the other hand every limitation within this sphere must ensure that it would involve the least possible interference in the right of the public to be informed of the trial proceedings and how the participants in it are behaving.

As our judicial system is completely based on the principle of publicity, the trial must be open to the public and therefore subject to the scrutiny of public opinion. However, only exceptionally and in specific cases, mainly to protect vulnerable people and to safeguard the interests of justice and the common good, the judge may limit the publicity to be given to a trial or to a part of it. Any limitations on the journalist's right to exercise freedom of expression should only be aimed at ensuring that there is no violation of the right of the accused to a fair trial by an impartial and independent court and to ensure that vulnerable persons are duly protected.

In the case of arraignment of the suspected person in a competent court, the prohibition to broadcast what is happening during the trial is nowadays generally recognised as curtailing the fundamental rights of the freedom of expression and is only justified as a rule if there is the possibility that the broadcasting of that information on the alleged offence or the person that committed it could limit or prejudice the opportunity of a fair and just trial or when the broadcast might be prejudicial to vulnerable persons. Primarily the journalist is in this respect in duty bound to obey court orders. Like anybody else he/she must obey the rules and cannot expect that his/her fundamental right of freedom of expression to be wider than or less limited from that enjoyed by any other individual. Court orders have to be obeyed in word and in spirit. The journalist therefore should not obey the letter of the order but neutralise the spirit with what he/she broadcasts.

### 5.11. The Criminal Code

Although Malta has not yet ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, it still has provisions on its statute book which criminalize pornography and child pornography. Article 208 of the Criminal Code<sup>98</sup> deals with the prohibition of the broadcast of pornographic or obscene material on the broadcast media<sup>99</sup> whilst article 208A

<sup>98</sup> Chapter 9 of the Laws of Malta.

<sup>99</sup> Article 208 of the Criminal Code reads as follows:

**208.** (1) Whosoever, for gain, or for distribution, or for display in a public place or in a place accessible to the public, manufactures, prints or otherwise makes, or introduces into Malta, or acquires, keeps, puts in circulation or exports, any pornographic or obscene print, painting, photograph, film, book, card or writing, or any other pornographic or obscene article whatsoever, whether similar to the above or not, shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding two hundred liri, or to both such imprisonment and fine.

(2) Whosoever trades in any article mentioned in sub-article (1), even if such trade is clandestine, or distributes any such article or displays any such article in public or in a place accessible to the public, shall, on conviction, be liable to the punishment prescribed in sub-article (1).

(3) For the purposes of this article an article shall be regarded as pornographic or obscene if it is so described or defined by regulations made under sub-article (4) or is otherwise to be so regarded in accordance with any regulation made as aforesaid.

(4) The Minister responsible for justice shall, in consultation with the committee established under sub-article (5), make regulations for the purpose of describing or defining or otherwise establishing

prohibits the broadcast of indecent photographs, films and other materials of persons under age.<sup>100</sup> The former provision is also supplemented by the provisions of the Pornography and Obscenity Regulations, 1975<sup>101</sup> made under article 208(4) of the Criminal Code.<sup>102</sup>

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what is to be regarded as pornographic or obscene for the purposes of this article and may by such regulations make provision regarding the criteria to be followed for that purpose and may make different provision for different circumstances and different purposes.

(5) There shall be a committee whose functions shall be to advise the Minister responsible for justice in making regulations under this article. The committee shall consist of the said Minister, who shall be the chairman, and four members of the House of Representatives appointed by the Prime Minister after he has consulted the Leader of the Opposition.

(6) Without prejudice to any other right competent to him, any member of the committee may request that any regulation made under this article with which he disagrees be discussed in the House of Representatives; and upon receipt of any such request in writing, the Minister responsible for justice shall ensure that the matter is discussed in the House as early as practicable.

<sup>100</sup> Article 208A of the Criminal Code reads as follows:

**208A.** (1) Any citizen or permanent resident of Malta, whether in Malta or outside Malta, as well as any person in Malta, who takes or permits to be taken any indecent photograph, film, video recording or electronic image of a minor, or distributes or shows such indecent photograph, film, video recording or electronic image, or is in possession of such indecent photograph, film, or video recording or electronic image, shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding two hundred liri, or to both such imprisonment and fine:

Provided that for the purposes of this article the expression "permanent resident" shall have the same meaning assigned to it by article 5(1)(d).

(2) A photograph, film, video recording or electronic image shall, if it shows a person under age and is indecent, be treated for all purposes of this article as an indecent photograph, film, video recording or electronic image.

(3) Where the offence referred to in sub-article (1) is committed by any ascendant by consanguinity or affinity, or by the adoptive father or mother, or by the tutor, or by any other person charged, even though temporarily, with the care, education, instruction, control or custody of the person under age shown in the photograph, film, video recording or electronic image, or where such person under age has not completed the age of nine years, the punishment shall be of imprisonment for a term from seven months to one year, with or without solitary confinement, and the provisions of article 197(4) shall also apply.

(4) Where a person is charged with distributing or showing, or with being in possession of, any indecent photograph, film, video recording or electronic image under sub-article (1), it shall be a defence for him to prove that he had a legitimate reason for distributing or showing, or for having in his possession, such photograph, film, video recording or electronic image, or that he had not himself seen the photograph, film, video recording or electronic image, and neither knew nor had any reason to suspect them to be indecent.

(5) For the purposes of article 635(1)(a), the person under age shown in any such photograph, film, video recording or electronic image shall be deemed to be the person against whom the offence is committed.

(6) In this article references to a photograph includes the negative as well as the positive version.

<sup>101</sup> Legal Notice No. 80 of 1975.

<sup>102</sup> Regulation 3 thereof provides as follows:

**3.** For the purpose of sub-article (3) of article 208 of the Criminal Code, an article shall be deemed to be pornographic or obscene if -

(a) its dominant characteristic is the exploitation of, or undue emphasis on, sex, or any one of the following

subjects, namely, crime, horror, cruelty and violence; or

(b) it directly or indirectly advertises or gives information on any article considered to be pornographic or obscene under these Regulations:

Provided that an article shall not be considered to be pornographic or obscene to the extent that it serves the public good on the ground that it is in the interests of science, literature, art or learning or other objects of general concern.



### 5.12. The Arms Ordinance

Apart from paragraph 20(f) of the Code of the Protection of Minors which bans advertisements which depict toy weapons which are realistic (whether in size, shape or colour) and which can be confused with real weapons, article 22A of the Arms Ordinance,<sup>103</sup> makes it a criminal offence to sell or offer for sale toys in the shape of firearms, arms proper, ammunition or knuckle dusters.<sup>104</sup> However, these provisions have not been carried on board in the Arms Act.<sup>105</sup>

### 5.13. The Commissioner for Children Act

The Commissioner for Children Act provides for the appointment of a Commissioner for Children<sup>106</sup> and a Council for Children.<sup>107</sup> The said Commissioner is entrusted, inter alia, with promoting 'compliance with the United Nations Convention on the Rights of the Child as ratified by Malta and with such other international treaties, conventions or agreements relating to children as are or may be ratified or otherwise acceded to by Malta'<sup>108</sup> and with ensuring that 'legislation relating to the protection of children's interests is observed.'<sup>109</sup> On the other hand, the Council for Children is tasked with monitoring 'compliance with the United Nations Convention on the Rights of the Child as ratified by Malta and with all such other international treaties, conventions or agreements relating to children as are or may be ratified or otherwise acceded to by Malta.'<sup>110</sup> Moreover, if 'it appears to the Commissioner that a particular person or body is not complying with the provisions of the United Nations Convention on the Rights of the Child as ratified by Malta, then the Commissioner may make recommendations in the form of a compliance notice, which shall state the Commissioner's opinion as to the way in which the provisions of the Convention are not being complied with and what action should be taken to comply.'<sup>111</sup> Any person or body receiving such a recommendation 'shall consider the recommendation and notify the Commissioner within such time as the Commissioner may stipulate in the compliance notice, of the action which has been taken or it is intended to take in response to the recommendation.'<sup>112</sup> Where any person or body to whom a recommendation is directed intends not to comply with it, such person or body is bound by law to furnish the Commissioner with reasons for not doing so, and the Commissioner may, if deemed fit, publish these reasons.<sup>113</sup> The Commissioner may require such a person or body to furnish such information as may be reasonably required to verify whether the recommendation has been complied with or not.<sup>114</sup> The Commissioner has to 'establish and maintain a Register of Compliance Notices and the register may be inspected by any person.'<sup>115</sup> The Commissioner may carry out or cause to be carried out a Child Impact Statement relating to any decision or proposal on policy which affects children,<sup>116</sup> and such Child Impact Statement shall set out the probable impact on children of the decision or proposal on policy.<sup>117</sup> The Commissioner may also publish it.<sup>118</sup>

## 6. ATTITUDES AND BEHAVIOUR OF MALTESE CHILDREN WITH REGARD TO BROADCASTING

In a recent study commissioned by the Broadcasting Authority to examine the effects of television and radio programmes on the attitude and behaviour of children between six and fourteen years,<sup>118</sup> Dr. Joe Grixti, found that the protection of children in Malta in three main areas in the

<sup>103</sup> Chapter 66 of the Laws of Malta.

<sup>104</sup> Although the Arms Ordinance will be repealed by the Arms Act, Chapter 480 of the Laws of Malta, when the latter enactment comes into force, it does not appear that the Arms Act has any similar provision to that contained in article 22A of the Arms Ordinance.

<sup>105</sup> Act XIV of 2005, Chapter 480 of the Laws of Malta, which is still not yet in force.

<sup>106</sup> Commissioner for Children Act, article 3(1).

<sup>107</sup> *Ibid.*, article 12(1).

<sup>108</sup> *Ibid.*, article 9(l).

<sup>109</sup> *Ibid.*, article 11(j).

<sup>110</sup> *Ibid.*, article 17(1).

<sup>111</sup> *Ibid.*, article 17(2).

<sup>112</sup> *Ibid.*, article 17(3).

<sup>113</sup> *Ibid.*, article 17(4).

<sup>114</sup> *Ibid.*, article 17(5).

<sup>115</sup> *Ibid.*, article 18(1).

<sup>116</sup> *Ibid.*, article 18(2).

<sup>117</sup> *Ibid.*, article 18(3).

<sup>118</sup> Dr. Joe Grixti, *Young People and the Broadcasting Media: The Maltese Experience – A Report on Qualitative Research Undertaken for the Malta Broadcasting Authority*, Hamrun, Broadcasting Authority, 2000.





broadcasting landscape is most wanting, namely in advertising, violence and sexual content.<sup>119</sup> The means to protect children from these three problem areas, no doubt, differs from one country to another and from one culture to another. However, certain general parameters on which consensus can be achieved will also be found.

## 7. ISSUES TO BE DISCUSSED AS TO THE RELATIONSHIP BETWEEN CHILDREN AND THE BROADCASTING MEDIA

In this part of this article, I will discuss five main issues with regard to programme content and its relation to children.

### 7.1. Advertising

Swedish law has an explicit ban on television advertising targeted at children.<sup>120</sup> This ban requires that commercials should not intentionally attract the attention of children under 12 years of age. All kinds of advertising immediately before, during, or after children's programmes are also forbidden. In Norway, advertising may not be broadcast in association with children's programming or directed specifically to children under 12 years of age.<sup>121</sup> The argument supporting this approach is based on the premise that children do not fully understand what advertising is. Any advertising directed at them therefore breaches the Swedish advertising industry's own standards. However, admittedly, the Swedish and Norwegian models have not attracted widespread following.

It is a well-acknowledged rule in the European Union's Television Without Frontiers Directive that advertising should be clearly identified as such which therefore implies that it should be possible to distinguish easily an advertisement from other media content. This point complicates itself with regard to the new advertising techniques which tend to blare programme content from commercials.<sup>122</sup> The problem is that children lack the experience to make such a distinction and to comprehend the purpose behind the adverts. Children below a certain level of maturity cannot tell the difference between television advertising and television programmes.

Following the enactment in Malta of the Broadcasting Act in 1991, advertising aimed at children has been on the rise. One reason for this is the increase in number of broadcasting stations and independent production houses during the last decade as well as the advent of cable television and, more recently, satellite television. Another reason is the launch and spread of commercial children's programmes and channels with the insight that children in prosperous countries and those from affluent families control considerable amounts of money, both their own pocket money and that of their parents, by virtue of their influence on them. The number of infringements of rules concerning advertisements aimed at children is also noteworthy.<sup>123</sup>

Advertising aimed at minors is dealt with in the Broadcasting Code for the Protection of Minors, 2000. This Code is also supplemented by the Third Schedule to the Broadcasting Act concerning teleshopping windows which may not be broadcast immediately before or after a programme

<sup>119</sup> For other studies on the effects of the mass media on children, vide Guy Cumberbatch and Dennis Howitt, *A Measure of Uncertainty: The Effects of the Mass Media*, London, John Libby & Company Ltd., 1989; Erling Bjuström, *Children and Television Advertising: A Critical Study of International Research Concerning the Effects of TV-commercials on Children*, Strasbourg, Standing Committee on Transfrontier Television, 2 December 1996, Document T-TT (96) Misc 7; Broadcasting Standards Council, *Young People and the Media*, Research Working Paper Number 13, London, Broadcasting Standards Council, December 1996; and Bird & Bird, *Studies on the Impact of Advertising and Teleshopping on Minors*, Brussels, European Commission, March 2001.

<sup>120</sup> Chapter 7, Section 4 and Section 7 paragraph 3 of the Swedish Radio and Television Law 1996.

<sup>121</sup> Section 3, paragraph 1 of the Norwegian Broadcasting Law 1994.

<sup>122</sup> Vide the classifications made by the European Commission with regard to the application of the Television Without Frontiers Directive to new advertising techniques in *Commission Interpretation Communication on Certain Aspects of the Provisions of Televised Advertising in the "Television Without Frontiers" Directive*, Brussels, 23<sup>rd</sup> April 2004, COM (2004) 1450, available at [http://europa.eu.int/comm/avpolicy/legis/key\\_doc/legispdffiles/com04-int-c102-en.pdf](http://europa.eu.int/comm/avpolicy/legis/key_doc/legispdffiles/com04-int-c102-en.pdf).

<sup>123</sup> In the period 2000-2001, the Broadcasting Authority found nine infringements of broadcasting legislation aimed at the protection of children following charges issued against broadcasting stations.



aimed at children<sup>124</sup> and by rules on advertisements and teleshopping in the said Third Schedule and in the Broadcasting Authority's Guidelines on Alcoholic Drink Advertising.<sup>125</sup>

## 7.2. Violence

The kind of media violence most often referred to in public debate and research is the manifest, physical, visible violence, and the threat of it: murder, blood, shooting, fighting, slaughter, etc.<sup>126</sup> However, apart from these physical elements of violence in the increasing media flow, there are other types of violence that have been given less attention. Such is the case of the more latent mental violence for which perpetrators cannot often be identified with ease.

## 7.3. Sexual content

It needs to be stressed at the outset that 'sex' (like 'violence') is not one clear-cut entity which is either present or not present in particular programmes.<sup>127</sup> The word itself carries different connotations in different contexts, so that there is not simply 'sex' on television, but rather different ways of portraying various forms of human activity which we habitually place under this broad heading. The ways in which these activities are portrayed will also be loaded with a wide range of possible associations and value systems (ranging from the exploitative to the educational) which will also play a key role on how the material is perceived, interpreted and responded to. To give a fairly obvious example, a discussion programme looking at the implications of extramarital relations among young adults is as much about sex as a late night striptease show, but this hardly makes the two programmes comparable in terms of the types of responses which they are likely to encourage.

## 7.4. Child Protection Classification Systems

Maltese rating of programmes is regulated under the Broadcasting Act in so far as programmes for the broadcasting media are concerned. However, there is no uniform system of rating of, say, films and plays.<sup>128</sup> Indeed, a rating system is in existence with regard to, for instance, broadcasting material,<sup>129</sup> the cinema<sup>130</sup> and the theatre.<sup>131</sup> In this respect, due to the diversity of rating systems, it could happen that the same programme is rated differently according to the medium where it is disseminated.

<sup>124</sup> Paragraph 47 of the Third Schedule to the Broadcasting Act.

<sup>125</sup> Paragraph 19(a) of the Third Schedule to the Broadcasting Act and paragraphs 2.1, 3.1., 3.2. and 3.3 of the Broadcasting Authority's Guidelines on Alcoholic Drink Advertising.

<sup>126</sup> For a study of violent content on the broadcasting media, vide Barrie Gunter and Mallory Wober, *Violence on Television: What the Viewers Think*, London, John Libby & Company Ltd., 1988.

<sup>127</sup> For a study of sexual content, vide Andrea Millwood Hargrave, *Sex and Sexuality in Broadcasting*, London, John Libby & Company Ltd., 1992.

<sup>128</sup> There is no harmonisation within the European Union of a child protection classification system. Vide in this regard, Patrice Aubry, *The "Television Without Frontiers" Directive, Cornerstone of the European Broadcasting Policy*, Strasbourg, European Audiovisual Observatory, 2000, pp. 11-14, available at [http://www.obs.coe.it/online\\_publication/reports/TWF.pdf.fr.](http://www.obs.coe.it/online_publication/reports/TWF.pdf.fr.); and Olsberg | SPI and KEA European Affairs in association with KPMG, *Empirical Study on the Practice of the Rating of Films Distributed in Cinemas Television DVD and Videocassettes in the EU and EEA Member States, Prepared on behalf of the Commission, Final Report*, Brussels, European Commission, May 2003, available at [http://europa.eu.int/comm/avpolicy/stat/studpdf/rating\\_final\\_report.pdf](http://europa.eu.int/comm/avpolicy/stat/studpdf/rating_final_report.pdf).

<sup>129</sup> Vide Television Programmes (Classification Certificates) Regulations, 1994 (Legal Notice 44 of 1994) and the Broadcasting Authority's Family Viewing and Listening Policy of 7<sup>th</sup> October 2003. The latter Policy classifies television programmes into three categories:

- (i) U- for universal programmes
- (ii) PG- for programmes which require parental guidance
- (iii) AO – for adults only programmes.

<sup>130</sup> In terms of Regulation 45 of the Cinema and Stage Regulations, 1937 the Board of Film and Stage Censors has to classify films and stage productions into one of the following three categories, namely:

- (i) U - Universal, or fit for exhibition to persons of any age;
- (ii) AA - Adults and adolescents, or fit for exhibition to persons of the age of sixteen years and upwards;
- (iii) AO - Adults only, or fit for exhibition to persons of the age of eighteen years and upwards.

Children under five years of age may be admitted to any exhibition provided that they are accompanied by their parents or guardians.

<sup>131</sup> *Ibid.*



## 7.5. Impact on children of new technologies

The protection of minors in the audiovisual landscape would also have to address the impact of new technologies apart from those with which broadcast regulators have been familiar with as is the case of interactive television, digitalisation, internet narrowcasting<sup>132</sup> and convergent systems.

## 8. POSITIVE ASPECTS OF BROADCASTING

Legislators and regulators, perhaps, tend to focus more on the negative aspects of broadcasting so as to protect children from harm. Indeed, other aspects have to be looked into as well, in order to 'seek to ensure the provision of certain programme offerings that would not otherwise be produced at all or in the desired quality.'<sup>133</sup> Hence the need to draw up good quality children's programmes guidelines to assist broadcasters in the production of good quality children's programmes, by requiring more participation by children in the broadcasting media and stressing the need to build up a relationship of trust between parents and broadcasters. Indeed, broadcasters should provide parents with more information as to programme content in order to better enable the latter to exercise their parental guiding function. Moreover, children have to be thought both at school and at home how to interact with the broadcasting media.<sup>134</sup> In this respect, the National Minimum Curriculum lays particular emphasis on the acquisition of the necessary knowledge, information, skills and attitudes which schools should aim to develop in children.<sup>135</sup> A media literacy policy has also to target grown ups as well.

## 9. CONCLUSION

This paper has shed light on various provisions of Maltese law regulating the protection of children in the audiovisual landscape. It has identified discrepancies and conflicting provisions in regulating the subject under discussion by diverse media and argued for a more universal regime. Bearing in mind the need to protect the interests and welfare of children is of paramount importance it is appropriate to identify gaps in the present law and consider proper amendments so that children could be afforded the utmost protection and assistance.

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<sup>132</sup> Vide Isabelle Bonello, 'Protection of children from abuse over the internet', *The Malta Independent on Sunday*, 3 August, 2003, p. 23 and Child Abuse over the Internet Taskforce, *Protection of Children from Abuse over the Internet – Consultative Document*, Ministry for Information Technology and Investment, May 2003.

<sup>133</sup> Wolfgang Hoffmann-Riem, 'Protecting Vulnerable Values in the German Broadcasting Order', in Jay G. Blumler (ed.), *Television and the Public Interest: Vulnerable Values in West European Broadcasting*, London, Sage Publications, 1992, p. 48. The same author considers as positive measures for the protection of children as including 'the provision of programmes designed for the, age-group by age-group, and intended to produce pro-social effects.' Wolfgang Hoffman-Riem, 'Defending Vulnerable Values: Regulatory Measures and Enforcement Dilemmas' in Jay G. Blumler, *op. cit.*, p. 189.

<sup>134</sup> For a discussion on what has been done so far in this respect, vide Fr. Joseph Borg and Dr. Mary Anne Lauri, *Media Education in Malta*, Presentation at the Workshop of Scientific Experts in the Field of the Protection of Minors on Media Violence, Self-regulation and Media Literacy, 10<sup>th</sup> September 2003, available at [http://europa.eu.int/comm/avpolicy/regul/new\\_srv/workshop\\_malta.pdf](http://europa.eu.int/comm/avpolicy/regul/new_srv/workshop_malta.pdf).

<sup>135</sup> Ministry of Education, *National Minimum Curriculum*, Floriana, Ministry of Education, 1999.



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# QUALITY TELEVISION FOR CHILDREN IN 2015

## RESEARCH PAPER

COMMISSIONED BY THE BROADCASTING AUTHORITY

DR. SANDRA M. DINGLI AND

DR. JENNIFER CASINGENA HARPER



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## EXECUTIVE SUMMARY

Emerging media technologies and their impact on children's households may be singled out as one of the key emerging drivers of children's television. Indeed this is reflected in the alternative scenarios and visions for quality children's television in 2015 which this research seeks to map and explore. Foresight, as a futures tool for more long-term policy development, has proven an effective systematic approach within this project for broader stakeholder awareness and engagement in the policy process. The approach adopted involved a number of phases, including horizon scanning, focus groups, surveys and interviews over an eight-month timeframe. The results reveal a number of emerging trends and drivers of quality children's television in 2015, including the attraction of adult television for children, the growing popularity of hybrid television programmes where parents can spend quality time with their children, children's need to feel that they can design and create their own television programmes, and the need for plurality and choice together with professionalism and quality in the television offerings, among others. These trends reflect the fact that children are becoming more mature in their tastes and needs at a younger age and expect to be treated accordingly even in the entertainment that they are offered. Indeed we have to come to terms with the fact that children today are far more discerning than we ever were about the quality of television and this is a fact that has to be contended with and catered for.



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The results of this research highlight a complex of drivers which together currently inhibit the improvement of children television. These include both shortcomings in resources, both financial and technical, and mindsets that are closed to improvement due to a sense of complacency with the current situation or in view of progress which has already been achieved. The need to nurture creativity and the duty to improve quality on a continuous basis especially among those responsible in some way for the current television offerings, comes through very clearly. The process of introducing change is necessarily complicated by the need to determine the appropriate balance / divide between public-private responsibilities in this sector.

The risks of not taking action are clearly outlined in this report and a number of key recommendations elaborated, including the need for more in-depth research and foresight work to move towards the identification of success scenarios and appropriate action. Thus this report is in no way presenting a final formula or menu but merely provides a broad overview of key emerging issues and challenges based on a short foresight study. We therefore recommend that you read the full research paper and play your part in taking the process forward.



## QUALITY TELEVISION FOR CHILDREN IN 2015

### 1. INTRODUCTION

Change is something we have to live with in our daily lives. When we discuss issues dependent on technology, such as television, the accelerated rate of change becomes even more evident. Taking television as an example, one of the authors of this paper was actually born before television was introduced into Malta. Before the advent of television children listened to Redifusion, and *Ziju Salv* was a well-known household name. The introduction of television meant that local audiences could watch entertainment and variety programmes on one Italian television station. Television was such a novelty in its early days that families used to congregate at each other's houses to watch what was really a very grainy black and white picture. Baby-boomers may remember programmes such as *Lassie*, *Leave it to Beaver*, *The Lucy Show* and, as teenagers, *The Monkeys*, the first teen musicians to utilize the medium of television to its utmost way back in the mid-1960s. Was this quality television for children? Is today's fare an improvement?

A shift from the past to the present highlights the availability of a broad range of available media. Whereas the media landscape in the mid-1950s included television, radio, records, movies and print media, the media landscape today encompasses digital, cable and satellite television, the remote control, video and DVD players and recorders, print media, various audio media, personal computers (together with various on line activities), video games and mobile phones (some of which connect to the Internet). Moreover, a move from community viewing to individual fragmented viewing is evident with a large percentage of children owning their own television set which is often located in their bedroom. Recent research conducted in the US describes children's households as being "media saturated" as it claims that "In short, a typical U.S. child between 8- and 18-years-old is likely to live in a home equipped with three televisions, three VCRs, three radios, three CD/tape players, two video game consoles, and a personal computer. The computer probably has an Internet connection and an instant messaging program; the TV probably receives a cable or satellite signal, and there is a 50/50 chance that the TV also receives a premium channel."<sup>1</sup> This report claims that young people spend an average of 6:21 hours per day with media. If this is considered over a seven-day week it results in media exposure of more than 40 hours a week (more than an average full-time job). The report further maintains that "The amount of time young people have available to devote to media seems to have reached some kind of ceiling, but the amount of media messages to which they are exposed apparently has not" mainly due to "Media multitasking – that is, using two or more different media at the same time – ... a phenomenon that appears to be increasing and that may have important implications for what young people take away from mediated messages, most of which remain to be identified and explored."<sup>2</sup>

Media saturation is undoubtedly an acknowledged feature in today's scenario. If, however, we had to take a leap of imagination into the future, what scenario for quality television programmes for children would emerge for 2015?

Different scenarios emerge when taking such a leap into the future. One could, for example, imagine the Macdonaldization of children's television, with local productions having died a natural death, and foreign productions, mainly (but not necessarily all) from the US, taking over the global market. Local children would be constrained to watch television programmes in languages other than their own – programmes would be based on cultures different from their own. Local investment, resources and expertise would be non-existent. Do the consequences of such a scenario for local language, customs and culture, and on future generations need to be spelt out?

This is not the only possible scenario for children's television in 2015. Since geographical boundaries are no longer as significant as they were in the past where television content

<sup>1</sup> *Generation M: Media in the Lives of 8 – 18 year-olds*, A Kaiser Family Foundation Study, March 2005, p. 10.

<sup>2</sup> *Ibid.*, pp. 55-56.





production is concerned, the production, locally, of television programmes for children could become state of the art, an example of excellence, with Malta being viewed as a microcosmic test bed for the rest of the world. Television would by then have merged with other technologies such as computers, internet and mobile phones, and investment into the production of quality programmes for children to view would have increased dramatically on an annual basis. The best brains of the world in this field would have been attracted to Malta – as a virtual rather than a geographical location – for this purpose. The fact that today's children are tomorrow's generation and that their viewing 'diet' will influence both their choices and their actions later in life would be universally recognised. There would be no constraints on resources such as finance, technology, training, expertise, personnel, equipment or space. Locally, children would be free to watch what we now call television any time they like, on portable or wearable technology. Media education in schools would entail media literacy for all children who, in turn, would conduct their own research and produce their own media programmes.

Which scenario would we like to pursue for quality television for children in 2015? Can we create a desirable vision for quality television for children in 2015? How can this be achieved?

## 2. FORESIGHT

This research was conducted using simple foresight methodologies such as scenario building, stakeholder mapping, consultation and focus groups to create visions of quality television for children in 2015. Foresight involves thinking about the future, creating and sharing alternative scenarios and acting now to ensure a better future. It involves creating and exploring alternative future scenarios in an attempt to clarify the potential future implications of present action and to take steps or to formulate policy to make a desirable future occur or to adapt to unfavourable circumstances. An important effect of research conducted using foresight methodologies is awareness-raising and a learning experience amongst participants and stakeholders. This comes about as a result of their being asked to reflect on possible future scenarios which tends to generate self-reflexive questioning and which, in turn, empowers the expectations of participants and stakeholders and their own vision of quality television for children.

By proposing 2015 as the long-term time-frame for this research, participants were given the opportunity to escape from the constraints of the current situation and, through the use of their imagination, to take a mental leap towards the future and put forward useful proposals. It was decided not to propose a time-frame too far in the future, such as 2025, due to difficulties that may arise due to the rapid evolution of technology.

## 3. AIMS OF RESEARCH

The aim of this research, commissioned by the Broadcasting Authority, is to complement rather than to replicate previous research. Additional aims include:

- To explore alternative scenarios and to develop a vision (or visions) for quality children's television in 2015
- To motivate participants to identify roles for themselves in this vision
- To instigate stakeholders to improve the quality of children's television programmes
- To disseminate the concept of feasible quality television programmes for children
- To provide criteria for the raising of standards
- To provide the impetus for higher expectations on the part of both participants and others by means of initiating a dialogue on this topic





#### 4. QUALITY TELEVISION FOR CHILDREN?

The researchers found it was imperative to spell out what quality television for children implied. Their search in the literature on the subject revealed some key concepts concerning the importance of quality television for children that included:

- Young people's notions of the good life are greatly influenced by media culture (values)
- Young people look to television and other media to acquire strategies for acting on their dreams and hopes for the future and for coping with social dilemmas (empowerment)
- Pluralism in broadcasting implies more available options and choice – not only concerning products but also in terms of greater contact with a range of different lifestyles and belief systems (diversity)
- Television is today an integral part of family life – it is no longer an external or intrusive force that acts as an outside threat to family values or that has the potential of enhancing those values like a benevolent outsider (media saturation)
- Television has become an inseparable component of family living – evidence is its positioning in the living, eating and sleeping areas in our homes (media presence)
- Television is not merely another appliance like a cooker or a fridge. 'Family viewing' involves the operation of social power and influence, both within and beyond the family itself (power relations)

This implies that media, in particular television, is rapidly diffused and offers children possibilities for learning and knowledge. Television may be viewed as one of the main formative agents where children are concerned, impressing on them information that may influence their development in either a positive or negative manner. It is therefore essential that quality television programmes for children are produced which take into account the sensitivity and educational needs of children together with pedagogical dynamics and ethical values.

What definition of quality television for children emerges? Research revealed that quality television for children could be defined as:<sup>3</sup>

- Allowing children to be not just spectators but important participants and to play an active role in the programme
- Designed to promote the intellect, emotions and creativity of children in a systematic fashion that helps them make strides in their personal development
- Respecting their intelligence and critical judgment and their ability to reflect by avoiding oversimplification, stereotypes, propaganda and intellectual laziness
- Attempting to meet the needs and expectations of different child age groups and using pertinent studies to do so
- Providing a world view by paying attention to reality and yet still inspiring the imagination and opening up a world of the family, friends, school, street, city, society, earth and universe

Quality television for children is not the same as regular television. Quality television breaks the established rules of television and displays creativity and innovation. It may initially struggle against unappreciative audiences and may tend towards the controversial. Quality television often includes social and cultural criticism and allusions to popular culture. It may go as far as defining genre classification by creating a new one.

In this sense quality television for children involves risk-taking just as any other innovative venture – or adventure into the unknown. It involves a gamble and also faith in the audience's potential to appreciate and switch to a new genre of entertainment. Indeed, it is about nurturing learning processes based on moving away from the usual tried and tested formula. When successful it is capable of unleashing creative potential and preparing its audience for the realities of the dynamics of the knowledge society in which we live.

<sup>3</sup> See [www.medialit.org/reading\\_room/article528.html](http://www.medialit.org/reading_room/article528.html)

## 5. METHODOLOGY

The research in this paper was conducted between May and October 2005. Different stakeholders were identified and methodologies designed to suit the different groups, bearing in mind constraints such as time factors and age. The research presented should be considered as work in progress. The sessions conducted by the authors and researchers included:

a. *May 2005*

Children in state schools in Malta used Edward de Bono's thinking tools in an attempt to elucidate their perceptions on popular television programs for children and on their vision for quality children's television. These sessions were conducted by the thinking skills teachers/researchers employed by Education division in state primary and secondary schools.

b. *August 2005*

A pilot focus group was conducted (n = 8) at Malta Council for Science and Technology. This exercise provided valuable feedback both concerning scenarios for quality television for children in 2015 and suggestions for the fine-tuning of planned future research. The pilot focus group was conducted by the authors, together with researchers Lisa Pace, Sergio Azzopardi and Matthew Ellul.

c. *September 2005*

Following a short presentation on quality television for children, two focus groups were conducted with children aged 9 – 12 attending *Kids on Campus* at the University of Malta summer school. The children utilized both the de Bono methods and simple foresight techniques in order to highlight what they considered as the most popular television programmes and to elucidate their perceptions on quality children's television for 2015. The sessions were facilitated by Sandra M. Dingli together with Karen Bonnici, the de Bono thinking methods teacher for *Kids on Campus* at the University of Malta. The children were split into two groups according to age and two sessions were held with each group.

d. *September 2005*

Three focus groups were conducted at the premises of the Broadcasting Authority. The total number of participants who were all media (mainly television) stakeholders was 27. These sessions were videoed with the permission of participants. Following a brief presentation on quality television for children, participants made use of simple foresight techniques in an attempt to create alternative scenarios for quality children's television in 2015. The focus groups were facilitated by the authors together with researcher Sergio Azzopardi.

e. *October 2005*

A group of University of Malta postgraduate education students (PGCE – PSD and Maths, n=18, predominantly female – 3 males) were asked to write down their vision for quality children's television in 2015 as part of a workshop on the de Bono methods conducted by Sandra M. Dingli.

f. *October 2005*

A group of University of Malta postgraduate students (MA Creativity and Innovation) (n = 19) were asked to write down their vision for quality children's television in 2015 as part of a workshop on the de Bono methods conducted by Sandra M. Dingli.





*Focus Groups of media stakeholders held at the Broadcasting Authority in September 2005*

## 6. DATA ANALYSIS

### 6a. May 2005

#### ***Children in state schools in Malta***

Children in state schools in Malta used Edward de Bono's thinking tools in an attempt to elucidate their perceptions on popular television programs for children and on their vision for quality children's television. These sessions were conducted by the thinking skills teachers/researchers employed by Education division in state primary and secondary schools.

Full details are included in Appendix Two due to the vast extent of the research conducted.

#### **6a.1 Key Outcomes**

A summary overview analyzing the results provides the following insights applicable in general across the different age groups:

- Children see a good production as including action, surprises, music and other activities
- The children demonstrate a real concern over appropriate content (no violence or reduce fighting, no lies, no 'killings', etc.) and often state that good children's programmes should contain content suitable for children



- Children are keen to learn through television and there is a strong preference for arts and crafts and life skills programmes
- However there is also a healthy keen interest in fantasy (children enjoy good and interesting stories) and entertainment (with a suitable 'mix' of content)
- Interestingly children recognise and learn from good role models and examples and claim to enjoy programmes where good triumphs over evil
- Local soap operas and local drama in the Maltese language are amongst the favourite programmes of Maltese children
- Children would like their favourite programmes to have a longer duration
- It is likely that a number of children have difficulty in understanding languages other than Maltese and, possibly, also unusual accents, as some respondents said they think good quality programmes are those which they can easily understand
- It is interesting to note strong elements of consistency across age groups regarding programs that children enjoy watching and what they do not enjoy
- Possibly an evident omission is an interest in television which relates to science and technology although creativity and innovation are clearly of interest

There appears to be a great deal of overlap between the findings for this group and the findings for *Group 6c – Kids on Campus, University of Malta*. Therefore a number of findings reported for *Group 6c* could also be seen as relevant to *Group 6a*.

#### **6b. August 2005**

##### ***Pilot – Malta Council for Science and Technology***

A pilot focus group was conducted (n = 8) at Malta Council for Science and Technology. This exercise provided valuable feedback both concerning scenarios for quality television for children in 2015 and suggestions for the fine-tuning of planned future research. The pilot focus group was conducted by the authors, together with researchers Lisa Pace, Sergio Azzopardi and Matthew Ellul.

#### **6b.1 Limitations**

Limitations included the small size of the group and the fact that they all belonged to the same young age group, approximately 20 – 28. As this was a pilot certain limitations were expected – these included reluctance to put forward ideas, fear of embarrassment and hitching on to the ideas of the previous participant. A 'round-robin' system of verbal responses was used. These were recorded by one of the observing researchers. Amendments for the September focus groups included: making the initial introduction and presentation shorter and limiting it only to the most relevant issues, asking participants to first put down their ideas in writing to avoid influence from one participant to the other and including more time for discussion and responses. Participants at the pilot session tended to be overtly influenced by the introductory presentation and were at times reluctant to take risks. Nevertheless, ideas that emerged were interesting and are listed below.

#### **6b.2 Key Outcomes**

- Integration of present day technology (eg video games) with TV
- More personalized TV with greater choice
- TV not as giver of information but as interactive instrument
- Cyborg humans equipped with a chip to 'control' programmes
- Touch screens for use of DVD, music, games, as in TV on planes
- Children will have the power to affect/alter a programme and to participate more directly due to interactive TV
- Media education within school curriculum provides opportunities for children to produce their own programmes with facilities available in schools such as editing facilities on computers
- Paradigm change in the way messages are delivered – live interaction could be achieved even today, eg. through web cams for live intervention in real time
- How does technology impact on personal growth? Can technology alter the way in which children and/or people socialize or interpersonal relations? Will technology encourage greater individualism? Or does it provide a means of communicating in a different (new) way?





- Use of multimedia technologies can allow for children to participate, learn and follow lessons from home
- Increase in confidence and creativity through children's participation in TV programmes – at present Maltese children tend to keep back from expressing their opinion
- Interactive TV includes TV on demand which enables us to choose what to watch – some negative effects could include avoiding watching programmes in foreign languages, restricting language skills
- Finance is generally available for TV that sells and that captures large audiences – this is a reality – and not necessarily for quality TV.
- Specialist programmes with low audiences will lose their marketing share and be discarded
- TV on demand could result in less quality TV programmes which may be constrained to give way to programmes with mass audiences. But TV that sells more is often low quality. 'Extreme' programmes bring out the worst in society – what values do these programmes promote? They lack both content and quality. A leap to the past could provide a good scenario for the future.
- Advertising efforts have already shifted towards internet
- Branding can be overdone – public service should control this
- Will quality TV stations such as BBC move towards other technologies such as internet?

#### 6c. September 2005

##### *Kids on Campus – University of Malta*

Following a short presentation on quality television for children, two focus groups were conducted with children aged 9 – 12 attending *Kids on Campus* at the University of Malta summer school. The children utilized both the de Bono methods and simple foresight techniques in order to highlight what they considered as the most popular television programmes and to elucidate their perceptions on quality children's television for 2015. The sessions were facilitated by Sandra M. Dingli together with Karen Bonnici, the de Bono thinking methods teacher for *Kids on Campus* at the University of Malta. The children were split into two groups according to age and two sessions were held with each group.

##### 6c.1 Limitations

The ages of the children ranged from 8 to 12 and these were split into two groups: 8 – 10 (n = 20) and 10 – 12 (n = 20). Two sessions were held with each of the two groups (total 4 sessions of approx 1 ½ hours each). The children came from different backgrounds and possessed different aptitudes. There was a great amount of difference in the quality of the work that the children produced. These ranged from independent and autonomous effort which produced very elaborate drawings full of explanatory notes and long lists to the other extreme where some children appeared to crave attention which, when given, did not always produce results. Although the majority of children attending the summer school come from private and church schools, a number of children from underprivileged backgrounds also attend the summer school.

##### 6c.2 Number of televisions per household

Quantitative data concerning the number of televisions per household is not part of the remit of this research. Moreover, 40 children do not form a representative sample. However the researchers thought it would be interesting to learn how many children had their own individual television sets and how many television sets were located in each household. Eleven (11) children said they had their own television set in their bedroom, this comprises 27.5% of this particular sample. The number of televisions per household was claimed to be as follows:

<i>No. of television sets in household</i>	<i>No. of respondents</i>
1	8
2	19
3	9
4	2
5	2

This implies that it is very normal for households to own at least two television sets.



### **6c.3 Children's television in Malta today**

- Television use in schools is still very uncommon in Malta – when used it is often to replace a supply teacher or as a means of entertainment (movies)
- Children make use of other media such as games, DVDs and internet that is more interactive, faster and more fun than regular television
- What are the effects of the shift from only local and Italian television to cable, satellite and digital television – and internet with all the possibilities and excitement that it provides?

### **6c.4 Why do children watch television?**

Discussions with the children during the sessions revealed that children watch television mainly for the following reasons:

- To relax and unwind
- To laugh and to cry
- To learn
- To share and interact with others
- To escape certain crude realities

In addition, more specific reasons why children watch television include the following:

- To learn about other countries
- To learn how people live in other countries
- To be entertained with music, fashion, sports, adventures, scary movies, also by the creative and unusual
- To learn in an entertaining way about science and technology, art and craft, etc.
- To learn how other people live in Malta and how other people react in different places and situations
- To have a good laugh

Children also use other media such as games, internet, DVDs, etc., most of which involve active interaction. Children also enjoy chatting and communicating with others on-line in real time – an activity that sometimes takes over from television.

### **6c.5 Children's favourite television programmes**

Children were asked to write down the names of their favourite television programme and to say whether they thought it was 'quality children's television' and why. The reasons for claiming their favourite programme was quality children's television are contained in the next section as they reflect children's responses to the next question.

The favourite television programmes for children aged 8 – 10 were:

*All grown up x 3*  
*Animal Planet x 2*  
*Pokemon and Pokemon Chronicles x 2*  
*Spiderman*  
*Charmed*  
*SpongeBob SquarePants*  
*Scooby Doo*  
*Tom and Jerry*  
*Powerpuff Girls*  
*Teen Titans*  
*Batman*  
*Hi Hi Puffy AmiYumi*  
*Jessie u Bessie*  
*Hey Arnold*  
*Funny Cops*  
*Power Rangers Ninja Storm*





The favourite television programmes for children aged 10 – 12 were:  
(one student named three programmes, one student's response was not legible)

*Charmed* x 3  
*Tricks and Tips* x 2  
*Will and Grace* x 2  
*Amici* x 2  
*Teen Titans* x 2  
*Eastenders* x 2  
*Paperissima* x 2  
*My Wife and Kids*  
*SpongeBob SquarePants*  
*America's next Top Model*  
*A.T.O.M. Alpha Teens on Machines*  
*Passo Adelante*  
*Let's and Go*

#### **6c.6 What makes for good quality children's television?**

Children were asked to work in small groups to discuss and give feedback on what they consider to be important factors that go into the making of good quality television for children. Responses given by children to justify their favourite programme as quality television are added to the responses below and serve to reinforce the responses cited most often.

##### **6c.6.1 Age group 8 – 10:**

*Funny* x 11  
*Educational* x 7  
*Interesting* x 6  
*Adventurous / Exciting* x 6  
*Suitable for those watching it* x 5  
*No bad language/ rude stuff* x 5  
*Includes friendly people / good characters* x 4  
*No killing or murders* x 4  
*Cool* x 4  
*We can understand everything (including language)* x 3  
*Certified as U or PG* x 2  
*Magic* x 2  
*Not scary*  
*Not stupid*  
*Realistic*  
*More violence*  
*No putting down of people with disabilities*

Three additional factors that children included were:

- They wished their programme was of longer duration
- They expressed the wish that advertisements were eliminated
- They commented on certain favourite programmes, claiming that they were not educational – some children said that they felt that educational content should be included where it was not present

##### **6c.6.2 Age group 10 – 12:**

*Action / Adventurous / Exciting* x 11  
*Funny / emotions* x 9  
*Educational* x 5  
*Interesting* x 5  
*Surprises* x 3  
*Good Acting* x 3  
*No bad language/ not rude* x 3  
*Display of talent* x 3  
*Creative* x 2  
*Suitable for children* x 2



*People speak clearly x 2*  
*Must make sense / language we understand x 2*  
*Continuity of programme (eg. Daily series)*  
*Informative*  
*Intelligent*  
*Cool*  
*Scarey*  
*Smart*  
*Magic*  
*Clear picture and sound*  
*A good story*  
*Romance*  
*Stunts*

Some children's comments:

- They dislike 'talking heads' programmes
- They dislike on unrealistic programmes
- They dislike programmes with no 'action'
- Some children expressed their desire to display their own talent
- Others would like their favourite programmes to be broadcast more often and to be of longer duration.

#### **6c.7 Emerging visions of quality children's television in 2015**

Children were given the opportunity to draw or to write about their vision for quality children's television in 2015. The responses were varied and interesting, however the majority included technical features as opposed to suggestions concerning programme content. As expected, technological features included:

- the merging of available media technologies
- the replacement of remote controls with voice or movement commands or with touch screens
- sensory television that emitted smells
- television monitors that were not necessarily square and that were at times embedded into an interesting background such as the shape of an animal or the shape of a car
- miniaturisation to increase ease of portability – either folding or as small as a wristwatch
- multiple screens for media multitasking, sometimes foldable
- on-demand television
- increased interactivity with presenters being capable of directly interacting with viewers and vice-versa - "I will get sucked in and take part ..." (R25c)
- television as a dispenser not only of food and drink but also cash and gifts and a mind-reader in that could provide gifts related to one's secret wishes and television that grants one's wishes against payment
- television as turning into a robot and being capable of singing and dancing and of general mobility
- security features such as secure voice recognition to avoid burglaries
- television that runs on air without need for any other energy source
- cordless and wireless television and other media

"TV flies and walks like a robot.

TV has two hands and does what you say.

A TV T-shirt that you can see TV on a shirt." (Respondent 19c)

Although some of the children's ideas may sound far fetched or impossible to fulfil, reflection on present technology such as web-cams and the merging of technologies gives rise to possibilities of interaction between television studios and people's homes – something that already occurs through internet. Multiple screens appear to reflect emerging trends concerning media multitasking, some of which are mentioned in the Introduction to this paper. Portability appears to be another emerging concern as children recognise the fact that we are living in a media saturated world. Robots doubling as televisions could be considered as the increased merging of



technology in the future, a concept related to messages we regularly receive where robots will cater for all our demands in a utopian world.

#### **6c.8 Key Outcomes**

A number of issues and concerns emerge from the above research. These include children's awareness of:

- The importance of education and learning
- The futility of bad language
- The importance of programmes being suitable for children
- The significance of certification – U or PG
- Expressions of professionalism
- Action and adventure as expressions of entertainment
- Advertisements as being disruptive during interesting programmes
- Humour and emotions as fun but not always educational
- Actors, presenters and talent displayed as role models

#### **6c.9 General remarks concerning sessions with children**

- Children love to learn but their favourite educational programmes include excitement and entertainment
- Children hate 'talking heads' programmes such as discussion programmes and the daily news
- Interactive television is certainly something children want more of – children have very limited attention spans and unfortunately most local children's television programmes do not include interaction in the same way as foreign productions do
- Children's imagination enables them to enter into the programme and to actively participate both from within and without. Their vision of television in 2015 does not only include technological wizardry but also the possibility of their 'jumping' into a television programme to participate and vice-versa, the presenter or participants in a television programme 'jumping' out of the screen
- Quite a few children are well aware of the fact that certain humorous productions which they enjoy viewing would not be considered as quality television. Some children who mentioned local humorous productions and imported cartoons suggested that these could include a 'lesson' to make them more educational and that they could include less 'exaggerations'
- The elimination of adverts and breaks emerged as a common element amongst the views elicited
- Children perceive their favourite programme as being 'too short' – they wish their favourite programmes were longer and without breaks
- Cartoons remain a favourite amongst the participating children
- Some gender differences emerged as males often prefer excitement and violence while females prefer programmes which involve relationships or glamour. This replicates research on gaming (reported in *Newsweek*) where males tend to be attracted to more destructive and violent games and females to games where they can build and construct (eg. *Sim City* has been used in different ways by males who for example create a destructive environment and females who interact in a much more constructive manner

#### **6d. September 2005**

##### **Stakeholder focus groups**

Three focus groups were conducted at the premises of the Broadcasting Authority. The total number of participants who were all media (mainly television) stakeholders was 27. These sessions were videoed with the permission of participants. Following a brief presentation on quality television for children, participants made use of simple foresight techniques in an attempt to create alternative scenarios for quality children's television in 2015. The focus groups were facilitated by the authors together with researcher Sergio Azzopardi.

##### **6d.1 Limitations**

Only approximately 50 percent of those approached agreed to participate. Participants however came from the whole range of stakeholders and included private production house representatives, presenters of children's programmes, producers, directors, advertisers, scriptwriters and drama/ballet school principals. It was at times difficult to get some of the



participants to move into the future – although there were exceptions. The sessions were generally very well received and those who accepted to participate were inclined to warm to the idea of thinking about the future. Some participants however remained bogged down and discouraged by the present situation or went to the other extreme and declared that their programmes were extremely successful and paradigm cases of quality television for children. This provided an interesting contrast.

Participants were enthusiastic, prepared to listen to each other's views and willing to contribute to the discussion. Very little if any rivalry or secretiveness was evident and participants appeared to be both motivated to contribute and trusting of the authors and researchers. The sessions were of one hour duration (each) and were held over one evening in order not to clash with participants' working hours. This could imply that some participants could have been tired after a long day's work and not mentally geared to come up with new ideas.

### **6d.2 Emerging visions of quality children's television in 2015**

Participants who were able to make the leap towards quality television for children in 2015 came forward with mixed scenarios. Some projected scenarios in which children were empowered to produce their own programmes. In other cases children were projected as watching less and less television and indulging more in interactive sessions with other media – television being relegated to the background or totally eliminated.

#### **6d.2.1 Hybrid TV**

Quality family time could result from hybrid TV: Children's television could be increasingly integrated with family (adult) television, producing programmes that interest both children and adults. A growing trend expresses the popularity of such programmes such as the new Doctor Who series and Harry Potter, both of which attract both adults and children. Research conducted for this report demonstrates that children already watch a number of adult television programmes. The advantage of such a scenario is that they attract children of all age groups and both parents and children can enjoy quality television time together.

#### **6d.2.2 Ambient TV**

Television is embedded in our environment: Televisions will become more portable and television watching will be personalized (choose your own programme when you want to). Televisions will be cheaper to own and they will be everywhere, on our watches, on our mobile phones, etc. Television programmes will compete with other digital experiences and the possibility of interaction on television programmes would increase – it would be possible for someone in Malta to interact with, for example, Sesame Street in the US, or two children, one from the UK and one from India would play a game together and appear on television while doing so. Messages that seek to promote the values of society would be 'sold' by credible characters. Children would contribute their ideas concerning the development of the programme. Two-way cams would be easily available for live interactivity. In schools each classroom would have a television for each child, available on the child's desk, where they could also watch DVDs, etc. These televisions would be programmed to eliminate AO programmes. Children's television would increasingly become adults television so adults television would also have to be improved. (R 13)

#### **6d.2.3 Globally Interactive TV**

A quiz for children will be shared by several countries simultaneously producing an interesting situation on immediate communication. Technology would be so advanced that TV stations would switch from one studio in one country to the next, with several studios in several countries participating. Healthy competition would be encouraged with one group of children in one country interacting and competing with another group from another country. This would stimulate intellectual thinking, creativity and awareness of children's development in other countries. (R 14)

#### **6d.2.4 TV powered by children**

A television news programme presented by children relating news items concerning children both locally and internationally. Children would be the journalists and send in reports from their town or city. They would also be asked to comment on what happens around them. (R 16 and 23)

### **6d.3 Example - Respondent (d)10**

'I am assuming a target audience aged 9 – 12 years:





1. Kids TV has to be considered as important as prime time TV. This leads to allocation of the right budget amounts for children's programming.
  2. Appropriate budgets will mean that kids' programming has the right support from the station. The producer no longer has to divide his/her time between producing and selling airtime to finance the programme.
  3. The right equipment allocated for children's programming, because nowadays kids are used to state of the art technology on foreign programmes.
  4. Child interaction in the programmes has to increase through live emails, sms, phone-ins. In my experience, live programming (kids programmes) has a much better viewership.
  5. Kids have to be allowed to voice their opinions about the programme
  6. Kids are nowadays enthralled by video and computer games that are very imaginative. Although they watch 'adult' shows, they still like the imaginative type.
  7. What we consider quality TV, is it considered as such by kids?  
Kids who like watching *SpongeBob SquarePants* and *L-Avvukat Gawdenz Bilocca*, are they not watching quality TV?
  8. Is quality determined by viewership?
- Media, Education – children know how to 'read' a programme.'

#### 6d.4 Key Outcomes

- Would parents or children recognize and appreciate quality children's television?
- Can better cooperation be created between schools and television productions?
- Should the public be given what it wants or are we in duty bound to nurture and instill an appreciation of quality in children's minds?
- Should children be encouraged to watch more television given that they hardly spend any time out of doors and are already very busy with homework and private lessons (which could include music, dance or drama)?
- Pay television could give rise to 'haves' and 'have-nots' and to a knowledge divide
- Privatisation of the sector requires regulation and monitoring
- Art and craft are still as popular as they always were, despite being repeated over and over again
- Language is still a big issue – programmes in Maltese exclude English speaking children and vice-versa
- Will children's television still exist in 2015 given that children have a number of other (more interactive) possibilities (chatting, web cams, web surfing, gaming, DVDs, Blogs, etc.)
- Should television be inward looking and utilize only professionals or outward looking and involve other media, new blood and international possibilities?

#### 6d.5 Drivers/Constraints/Enablers

- Resources: mainly financial, HRD, technological and other resources (including time) – good quality television requires substantial investment and this was stressed on a number of occasions – traditional sources of funding are limited – are there other sources that could be explored? Eg. EU funds for, eg., cartoons, which would involve training, partners and networking
- Scale is an issue due to the small size of the local market. Would it be possible, through networking, to broaden this market? Possibilities for European projects should be explored. Participants appeared to feel that all markets have been 'globalised' except for television. Is there a market for local productions overseas, eg. SBS in Australia who are so 'thirsty' for local productions – do other such stations exist elsewhere?
- Professionalism – this was repeated over and over again. There is too much 'dilettantism' (amateurism) at present. Absence of scripts and excessive (and obvious) ad-libbing were mentioned. Training and auditions (in particular for presenters) plus scripts should be necessary pre requisites to ensure professionalism. Some participants claimed that novices/inexperienced parties should not be allowed to produce or to participate in programmes – but the media industry requires new young input to challenge, test and eventually change current habits and trends
- Setting and enforcing quality criteria in programme design and development – quality reviews could be conducted by external evaluators
- Media education and media literacy for teachers and children

- Preparation and training for children who appear in television programmes
- Competition is healthy for the development of children – it creates challenges that motivate self-growth and a sense of responsibility.
- Research in the design phase of any programme is essential
- Can Maltese media experts working in the media overseas contribute? Could a list of such persons be compiled in an attempt to tap such a valuable resource (not only from the EU, Canada, US and Australia but from elsewhere too)?
- Globalisation involves the possibility to view foreign productions either locally through satellite or when travelling overseas – could we capitalize on the possibility of adopting or developing quality and popular formats?
- Respect for children is essential – condescending and patronizing attitudes should be eliminated
- Politicians need to be made more aware of the responsibility of public service television
- More use should be made of other media to promote quality television
- Values should be promoted
- Age groups – children's television should target specific age groups
- Websites should be developed for increased interaction and follow-up
- Mission and vision for quality children's television – it was generally felt that television lacks direction or coordination – the formulation of policy for quality television for children would clearly outline these aims and provide both strategy and direction together with aims and objectives. A long-term strategy is essential.

**6e. October 2005**  
**University of Malta – PGCE (PSD) students**

A group of University of Malta postgraduate education students (PGCE – PSD and Maths, n=18, predominantly female – 3 males) were asked to write down their vision for quality children's television in 2015 as part of a workshop on the de Bono methods conducted by Sandra M. Dingli.

**6e.1 Limitations**

An introduction of only a few minutes on quality television for children in 2015 was given to these university students after which they were asked to reflect and to write down their vision of quality television for children in 2015. Time was a crucial limitation as this exercise was limited to the last ten minutes of a lecture.

**6e.2 Key Outcomes**

- Children should learn from television so learning should be presented as fun
- Through media education children could make their own television programmes for other children
- Interactivity is something children enjoy – produce practical 'how-to' programmes for children, eg. mending a toy or a bicycle.
- New technology could allow children to get a more interactive experience from watching television
- Science and technology – learning by doing – this needs to be used on television and needs to be taught, side by side with regular education – television programmes could supplement school education
- Television is a way of teaching children about real-life situations
- Programmes that show situations children can relate to in their own lives – case studies that children experience, eg. peer pressure or Paceville experiences, perhaps including elements of 'reality tv', or case studies of specific children's or teenagers problems in response to input from target audience
- Build self-esteem by celebrating the unique abilities of specific children or of children in general
- Quizzes, teamwork and healthy competition between schools
- Art and craft programmes – also using things generally considered as useless
- Private lessons through television with work submitted through internet or SMS
- Involving the senses in television, eg. smells during cookery
- Quality children's television available through mobile phones
- Televisions with touch screens or buttons for children to press to give correct answers to educational questions or quizzes







- A certain percentage of time in television schedules must be dedicated to quality television for children
- Topics should fill the gaps there are in regular education in schools
- Why is it necessary to have cable television to view Education 22?
- Including people with disabilities, truants, different cultural backgrounds into cartoons as a way of encouraging children to be friends with other children
- Funny programmes for children through which they can learn various subjects
- Children's own qualities and talents given more importance
- Respect children's intelligence and not treat them as 'babies'
- Simple experiments using junk material
- Exposure to good literature and stories to read (to encourage both literacy and literature appreciation)
- Teach children other uses for IT eg. desktop publishing, photo manipulation, creating their own games or puzzles, etc.
- Presenting pro-social behaviour in a subtle way, eg by giving good examples in drama
- Robotic and electronic characters would take over from traditional cartoon figures such as Tom and Jerry, Popeye, etc.
- Science and history presented by children in a fun and interesting way

### **6e.3 Example – Respondent (e)16**

'When thinking about quality TV for kids in 2015, I imagine that kids will have access to any type of educational programme they are interested in. A child would be able to switch on the television set (which in 2015 will be as thin as a sheet of paper) and could see a particular programme that is available for an amount of time (e.g. all programmes on history education done within 3 months) by pressing on the television (like a touch-screen). I think that having such programmes always available on Malta/History/English etc. will give children the ability to choose when they want to learn the information. Another aspect that should be had by quality television for kids is that children do programmes for children. This would be interesting and helpful for them and others.'

### **6f. October 2005**

#### **University of Malta – MA Creativity and Innovation students**

A group of University of Malta postgraduate students (MA Creativity and Innovation) (n = 19) were asked to write down their vision for quality children's television in 2015 as part of a workshop on the de Bono methods conducted by Sandra M. Dingli.

#### **6f.1 Limitations**

The limitations are mainly time constraints and are identical to those of 6e (above) as an introduction of only a few minutes on quality television for children in 2015 was given to the students after which they were asked to reflect for a few minutes and to write down their vision of quality television for children in 2015. Time was a crucial limitation as this exercise was limited to the last ten minutes of a lecture. Students had only experienced introductory sessions / lectures on creativity and innovation as they commenced this postgraduate course a couple of weeks prior to this session.

#### **6f.2 Key Outcomes**

The focus of most responses was on television as a medium for education through entertainment. Some responses followed standard patterns of programming (eg. sing-along music programmes, quiz programmes, story telling – at times with an incomplete plot which the children could play a part in concluding – and the narration of personal histories by personalities from the older generation as 'role models' and mentors for today's generation). Others were more interactive, such as a 'virtual' reality show with the participation of children and with educational content presented as part of the 'show'.

Concern regarding parental control was evident in some of the responses – this may possibly reflect the status of some respondents who are also parents of young children.



The main topics which emerged included:

- Education as entertainment
- Let children's opinion be heard through increased interactivity
- Hands-on 'How to ...' programmes – fun to learn how to do things
- Increase awareness of diversity
- Children as producers and presenters of television programmes
- News programmes for children
- TV as increasing global interactivity
- Programmes to encourage literacy
- TV spill-over effect into other media (internet, games, radio, etc.)
- Healthy competition and team building through quiz or sports programmes
- Collaborative programmes between schools, parents and children

### **6f.3 Examples – Respondents (f) 11, 14, 15**

Respondent (f)11

Create cultural programs that involve local cultural awareness

- Make culture look hip and cool
- Maltese culture is as interesting and creative as any other European, Asian, etc.

Respondent (f)14

- A treasure hunt program that situates a TV at different venues which give the next clue. Children would be able to participate in the game actively or follow the movements of others from their home (the former could include schools/parish)
- Thrillers with incomplete plots or alternative plots. Children need to write-in with suggestions and the winning one gets acted out (could use internet). Involve a great story teller like ... [gives name of local well-known thriller author].

Respondent (f)15

- 11 – 17 News Zap
  - Junior style news from around the world
  - Open debate with the issues of the day through a mediator
- Brilliant Careers
  - 5 minute inserts with famous inspirational people
  - (see [www.channel4.com/brilliantcareers/](http://www.channel4.com/brilliantcareers/))
- Drama enactments from events in the past
  - Eg. the Battle of Britain from the children's point of view

## **7. RECOMMENDATIONS**

One of the aims of this research is awareness raising amongst stakeholders and others interested in quality television for children. Was this achieved? To some extent, it was. However the limitations of this exercise included time-constraints which meant that only one encounter was possible with each of the participating groups, except for the children from *Kids on Campus* (University of Malta) who experienced two sessions.

A number of recommendations emerge from the above research. Serious consideration of these recommendations should include awareness of the fact that, if matters continue to proceed in the way they have to date, there may be no future for either locally produced quality television programmes for children, nor for adults. In an attempt to stick to present constraints and practicalities, it is proposed that short-term follow-up should include the following:

- The results of this research should be disseminated as widely as possible, not only among stakeholders but also amongst the general public and the media
- Further research needs to be conducted on the experience of other countries where quality television for children is concerned (eg. Australia, U.K., the Phillipines, etc.)
- Research needs to be conducted during the design phase of any new production that targets children to ensure positive spin-offs – incentives and support should be considered



- A more in-depth study using foresight methodologies with key stakeholders is required in an attempt to counter limitations of the present research
- Serious consideration needs to be undertaken concerning media education and the use of television in schools for educational purposes (and not just to keep children entertained) together with the training of teachers and children in media literacy and media appreciation
- Is it feasible to offer Channel 22 as an Educational Channel to *all* Maltese viewers and not only those who can afford to pay for cable television?
- The problem of lack of resources needs to be seriously tackled. Possibilities for EU funding or other opportunities for funding or training need to be explored. The possibility of sub-contracting such proposals should be explored
- Could University students be targeted as new blood now that they are permitted to work while studying?
- Some form of effort is recommended to demonstrate to stakeholders that this exercise was not merely an awareness raising exercise but that concrete action such as incentives and support are being offered to encourage both research and the production of quality television for children

## 8. CONCLUDING REMARKS

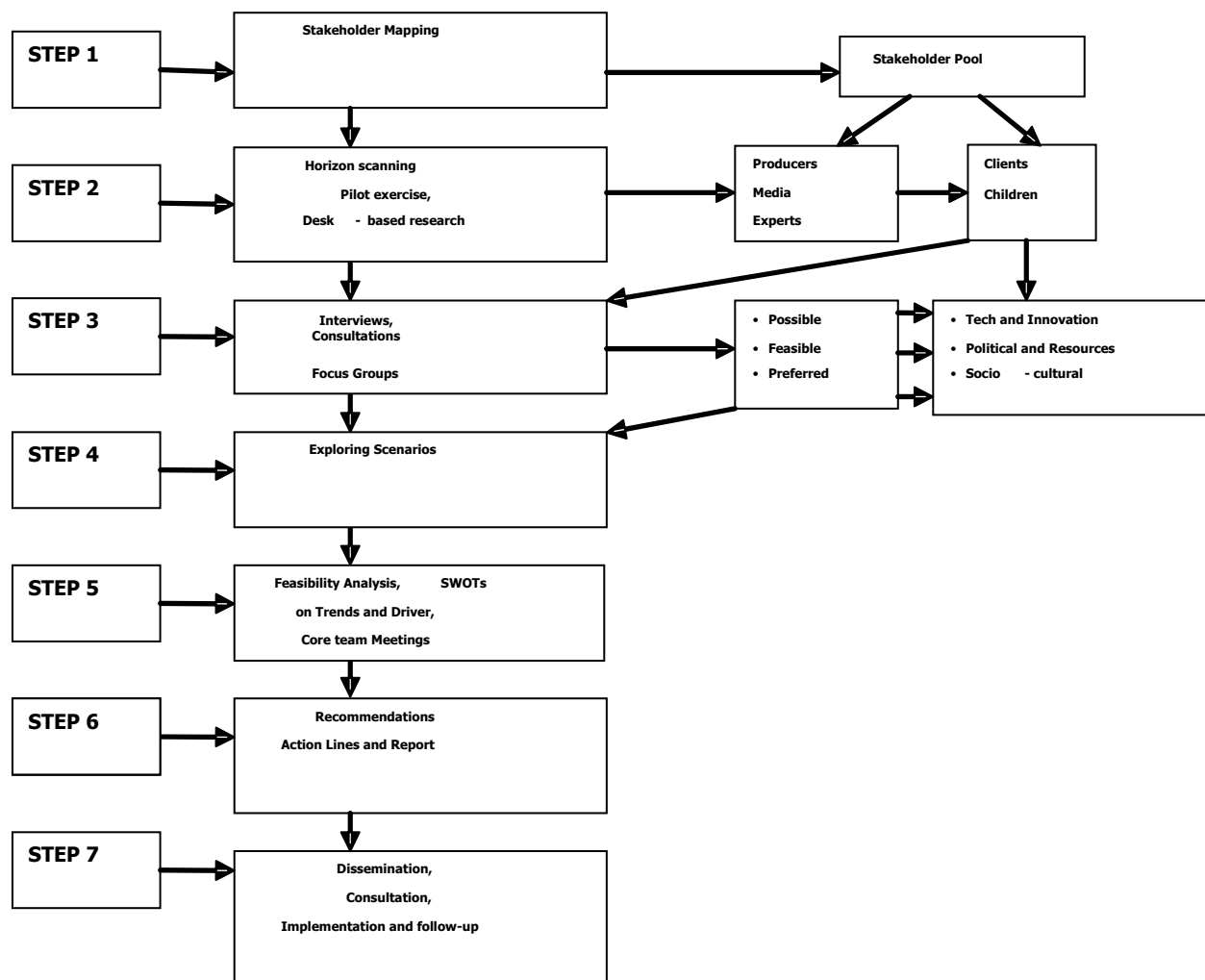
This paper commenced with a glance towards the past. Lessons could be learnt from a brief glance at the history of management of organisations. Until approximately twenty years ago most managers were self-made and had no training or University education. They learnt from experience and worked their way up as they went along. Is this similar to the situation in the media today? Probably not since the University of Malta has been providing undergraduate (and, more recently, postgraduate) education in communications studies for some time. However we should look at television as evolving gradually just as management did in the past – a great deal of experience has been built up and education, training and research are all aspects that are crying out to be further developed. Who knows whether further efforts in this direction may result in the possibility of the University of Malta offering MBAs or other similar hands-on postgraduate degrees with a specialization in media?

Let us not forget that globalization may include diversity and the appreciation of different genres and cultures, but public service should include an obligation to produce quality television programmes for children of different ages that exhibit professionalism, adequate resources and a total absence of some of the present slipshod methods of production that at times appear in local productions. Should we envisage television in 2015 as merely a 'diet' of US or foreign productions? Or should we take our fate into our hands in a concerted effort to ensure a future for local productions where quality television for children is concerned?

To conclude, keeping in mind the fact that, mainly due to our size, policy makers and other people involved in the local media are involved not solely with children's television but also with programmes directed at adults, it is important to state clearly that a number of the issues that emerge from this research apply not only to local productions for children but to productions aimed at an adult audience as well.



## APPENDIX ONE



## APPENDIX TWO

### CHILDREN IN STATE SCHOOLS IN MALTA

#### RESEARCH CONDUCTED BY THINKING SKILLS TEACHERS / RESEARCHERS IN STATE SCHOOLS IN MALTA

##### **Limitations**

The main limitation for this section of the research is lack of consistency as instructions given to teachers / researchers were not always followed completely and it was not possible to ask for a follow-up as this research was conducted in May which is towards the end of the scholastic year when teachers are concerned about finishing their syllabus before the year end.

##### **1. Kindergarten**

Responses were compiled by the teachers as children in kindergarten have not yet learnt to write.

*What do you enjoy watching on television?<sup>4</sup>*

*Non-violent cartoons*

*Teletubbies*

*Chiara*

*Mickey Mouse*

*Minnie Mouse*

*Barbie*

*Barney*

*Pippi*

*Spiderman 2*

*Popeye*

*101 Dalmations*

*Formula One car races*

*Motor bike racing*

*Ninja turtles*

*L-Avukat Gawdenz Bilocca*

*Thumbelina*

*Mr. Bear*

*Simpatichi*

*Power Rangers*

*Simpsons*

“We would like more programmes that teach us how to play and how to do things (crafts).”

##### **2. Year 1**

*What do you enjoy watching on television?*

*L-Avukat Gawdenz Bilocca x 16*

*Dejjem Tieghek Becky x 3*

*Mickey Mouse*

*Films*

*Cartoons*

*Tal-Baby Comedy Baby's Day Out*

*Dolphin*

*Formula One*

*Luna Park*

*Boomerang*

*Cinema*

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<sup>4</sup> Any errors or misspelling of names of television programmes is regretted. It appears that children sometimes associate a programme with either its content matter or with the programme presenter. Moreover, some children's writing is not perfectly legible while others may not be aware of the correct spelling.



### *New Programmes suggested*

About nature  
Humourous  
Discussions  
Dance programmes  
Cartoons  
Racing cars  
Festas  
Ta' Gawdenz  
Tourism

### **3. Year 2**

*What do you enjoy watching on television?*

*Dejjem Tieghek Becky x 3*  
*Football*  
*Films*  
*Zugragu*  
*Tweety*  
*Tom and Jerry*  
*Nature documentaries*  
*Mickey Mouse*  
*Power Rangers*  
*Eurovision*  
*Uomo Tigre*  
*Tinu*  
*Bawxati*  
*Barbie*  
*Scooby Doo*  
*Ingroppi*  
*I Kavallieri*  
*Cartoons*

*Why do you like these programmes?*

To learn:

- About football
- How to be a lawyer
- How to fight
- Language
- Crafts and drawings
- How to sing and dance
- How to help others
- Mouse hunt teaches us how to catch a mouse

*Programmes we would invent:*

Humorous  
About nature  
Animals (farm, zoo, etc.)  
Taking care of pets  
Racing cars  
Festas  
Discussions  
Dance  
Like Barney  
Brothers and sisters  
Cartoons  
Karate



Tourism  
Ta' Gawdenz  
To learn Art

#### **4. Year 3**

*Programmes we like and why we like them:*

OK	Crafts
Gawdenz	Funny
Art Attack	crafts and drawings
Ingroppi	about children
Becky	Jamie a sweet boy
SpongeBob SquarePants	sea life
Il-Principal	funny
Tom and Jerry	funny
Room 02	decorating a house
Popeye	Popeye always wins

*What we do not like on television:*

Nonsense  
Bad language  
Wrong timing – too early or too late  
Presenters showing off  
Violence  
Language – mixing Maltese and English  
Cruelty

*What television programmes would we produce?*

Miao-Miao  
Petshops  
I love You  
Uff – Fed up of studying!  
Feasts  
What to cook  
Jesus  
Let us read  
Trendy Clothes  
How shall I dress baby?  
Insects  
Love  
Dedicated to mum

#### **5.1 Year 4 – Group (1)**

***What is your favourite television programme?***

Owkey x 3  
Popeye x 2  
Pimp my ride x 2  
Tinu x 2  
Popeye x 2  
Clark Kent (Super Man)  
Tom and Jerry  
Spiderman  
Totally Spies  
Walker Texas Ranger  
Spy Kids 3<sup>rd</sup> Game Over  
The Son of the Mask  
Tanja Cartonjo



***Why do you think your favourite television programme is of good quality?***

Educational x 4

No fighting for nothing or killing x 2

Adventurous

Emotional

No useless words

No bad language

Someone always wins

Humorous

*Some comments from the children:*

- Some cartoons are 'kollu gideb – all lies'
- They wish that their favourite programme were to be longer and without breaks for news or adverts
- Humorous programmes are not always perceived as educational
- Some children suggest improving their favourite programme by decreasing the number of lies (gideb)

***5.2 Year 4 – Group (2)***

***What is your favourite television programme?***

(not quantified)

*Tom and Jerry*

*Art Attack*

*Wrestling*

*Is-Sur Gawdenz*

*Power Rangers*

*Baby Looney Tunes*

*Dejjem Tieghek Becky*

*Numru 9*

*Il-Principal*

*Ed and Eddie*

*Ninja Turtles*

*Ingroppi*

*My parents are aliens*

*Powerpuff Girls*

*Dexter*

*Pokemon*

*Luna Park*

***What makes a good quality television programme?***

(in order of priority)

- Learn life skills \*\*\*
  - Portrays everyday life \*\*\*
  - Appropriate rating to guide people from beforehand \*\*\*
  - Entertaining \*\*
  - Humorous \*\*
  - Good Examples where good wins over evil \*\*
  - Suitable for children
  - Singing
  - Educational
  - Portrays things as they really happen in real life
- (\*\*\* indicates priority)

*Imagine a TV station has asked you to come up with ideas for a new television programme for children.*

The television programme would include:





- Singing and dancing
- Art
- Computer lessons
- Suitable for children
- Some people who work [? Interviews on professional work experience ?]
- Recipes
- Games
- Discussions
- Story telling
- Self-care lessons

### **6.1 Year 5 – Group (1)**

*What are the most important priorities to consider without which there would be no quality television programmes on television?*

(Children first compiled long lists of what they considered to be factors to be considered where quality television is concerned. They were then asked to choose the most important priorities from their lists)

*Good examples x 5*

*Information (that helps me with decision making) x 4*

*Action x 4*

*Humourous x 2*

*Interesting x 2*

*Educational x 2*

### **6.2 Year 5 – Group (2)**

*What are the most important priorities to consider without which there would be no quality television programmes on television?*

(Children first compiled long lists of what they considered to be factors to be considered where quality television is concerned. They were then asked to choose the most important priorities from their lists)

*Humourous x 8*

*Good story (preferably different each week) x 7*

*Educational x 6*

*Adventure / Action x 4*

*Music x 3*

*Romance x 2*

*Information*

### **6.3 Year 5 – Group (3)**

*What are the most important priorities to consider without which there would be no quality television programmes on television?*

(Children first compiled long lists of what they considered to be factors to be considered where quality television is concerned. They were then asked to choose the most important priorities from their lists)

*Educational x 14*

*Humourous x 14*

*Action / Adventure x 11*

*Learn new games / eg. Football skills x 6*

*Suitable for children x 3*

*Many teams participate x 2*

*Information x 2*

*Learn about everyday life x 2*

*Interaction and participation (eg. Phone-ins)*

*New story each week*

*Music*



#### **6.4 Year 5 – Group (4)**

*What programmes do you watch on television?*

*Dejjem Tieghek Becky x 6*  
*Art Attack x 5*  
*Bawxati x 4*  
*Il-Principal x 4*  
*Xarabank x 3*  
*Tom and Jerry x 3*  
*L-Avvukat Gawdenz Bilocca x 2*  
*Luna Park x 2*  
*Looney Tunes x 2*  
*Tista tkun int x 2*  
*Walker Texas Ranger x 2*  
*Popeye x 2*  
*Gasper*  
*Pingu*  
*Ingroppi*  
*Squaddra Speciale Cobra*  
*K – 2*  
*Owkey*  
*Sleepover Club*  
*Garfield*  
*Camera Café*  
*Incantesimo*  
*Casper*  
*Music television*  
*Settimo Cielo*  
*Mickey Mouse*  
*Wings*  
*Martin Misteri*

*What are the most important priorities to consider without which there would be no quality television programmes on television?*

(Children first compiled long lists of what they considered to be factors to be considered where quality television is concerned. They were then asked to choose the most important priorities from their lists)

*Humourous x 3*  
*Good actors x 3*  
*Educational x 2*  
*Good producers x 2*  
*Puts you in a good mood*  
*Adventurous*  
*Sports*

*Imagine a TV station has asked you to come up with ideas for a new television programme for children.*

Most responses involved programmes which combined cartoons with guest personalities who are also role models for this age group such as Ira Losco, Chiara and Julie and Ludwig, as also international personalities including some football and some pop stars. Some suggestions further included quizzes, games, phone-ins and gifts. One programme ending involved the invention of a new song for children. One child came up with an adventurous programme with cars and a rescue team called 'Super First Aid' which would involve both excitement and education with pleasant endings and no loss of human life.



**6.5 Year 5 – Group (5)***What programmes do you watch on television?*

*Dejjem Tieghek Becky* x 3  
*Music Television* x 2  
*Bawxati* x 2  
*Cartoons*  
*Power Rangers*  
*Powerpuff Girls*  
*Small Ville*  
*Una Mamma per Amica*  
*Domenica in Orchestra*  
*Tom and Jerry*  
*Ingroppi*  
*Walker Texas Ranger*  
*Settimo Cielo*  
*Campioni*  
*Motors TV*

***Why do you think your favourite television programme is of good quality?***

Humorous x 8  
 Educational x 5  
 Adventurous / exciting x 4  
 Good Acting x 3  
 Entertaining x 3  
 Interesting story x 2  
 Suitable for children x 2  
 Interesting x 2  
 Nothing rude  
 Games  
 Modelling of good behaviour  
 Surprises

*Imagine a TV station has asked you to come up with ideas for a new television programme for children.*

Responses followed similar lines to those given by Year 5 Group (4). Most suggested a programme with invited local guests (many mentioned 'Gawdenz' and the winners of Eurovision Song Contest) and international guests too. The programme would include games, adventures, good actors, cookery, humour, competitions, cartoons, and be suitable for children. However a number of children also suggested simple drama plots where friends or family members would fall out with each other and which would include both humour and sorrow. A couple of children suggested music programmes. Variety is the spice of life and this group of children certainly appeared to wish to offer as much as possible in their programme proposals. One child actually mentioned making use of the imagination and increasing graphics.

Further comments and suggestions that the children communicated included:

- To include more happy incidents and humour and remove sad bits
- Too many adverts – some programmes have more advert content than actual programme
- Less fighting and killings
- Longer duration for favourite programmes

**6.6 Year 5 – Group (6)**

*What programmes do you watch on television?*  
 (not quantified)

*Ingroppi*  
*Sabrina*  
*Charmed*



*Hallini Norqod*  
*SOS Animals*  
*Settimo Cielo*  
*Fire Bugs*  
*Luna Park*  
*Ogi and Jack*  
*Owkey*  
*Omnibus*  
*Mamma Per Amica*  
*Camera Café*  
*Art Attack*  
*MTV*  
*Campioni*  
*Fire Bugs*  
*Tinu*  
*Brejk*  
*Sportsilhadd*

*What do you consider to be quality television?*

- Someone who, for example, goes to a zoo and explains everything to those at home as though he is speaking to them normally
- Humorous
- Learn Art and Craft
- Competitions
- Entertaining
- Quiz
- Clever and capable people (professionalism)
- No stupid fooling around or speaking with a stupid voice
- Beautiful studio
- Good studio lighting

*Priorities for quality television include:*

- Speaking to children and teaching them (educational)
- Clever and capable people (professionals)
- Beautiful studio

*Suggestions for a quality television programme for children*

*(a) Hip Hop Kid*

Studio setting: New York; 3 ½ hour programme, in English, every Friday for three months duration. A spacious beautiful studio with chairs on the perimeter and the middle is left free for dancing hip hop. The winner will win a fantastic prize such as an air ticket.

(b) Short features on current movies showing at the cinema, food information (cooking), animals, computers and internet, magic. A competition with educational or food prizes. Two camerapersons in studio, plus one camera on ceiling for shots from above.

*(c) Tricky Tricks*

Saturdays from 1500 – 1700. Quiz on history, animals and maths.  
To include feature on religion

Studio games for children including for examples games such as 'Twister'

*(d) Hawn Ahna*

Saturdays from 1530 – 1730. Beautiful studio with lots of kids invited to participate, all of whom are given gifts. Clever and capable presenters. Studio games for children. We would visit lots of interesting places.



### **6.7 Year 5 – Group (7)**

#### **What is your favourite television programme?**

*Una mamma per amica* x 2  
*Jetix* x 2  
*Tista' Tkun int*  
*Cartoon network*  
*Fox Kids*  
*Kashmir*  
*Xarabank*  
*Luna Park*  
*MTV*  
*Power Rangers*  
*Dexter*  
*L-Avukat Gawdenz Bilocca*  
*Do Re Mi*  
*Ciyo*  
*La Fattoria*  
*Paqpaq*  
*Popeye*

#### **Why do you think your favourite television programme is of good quality?**

*Humourous* x 5  
*Magic*  
*Educational* x 6  
*Technology*  
*Suitable for children*  
*No cruelty or killings* x 4  
*No excessive exaggerations* x 2  
*No bad language* x 5  
*Good actors* x 4  
*Learning lifeskills*  
*A good number of actors*  
*Art and craft*  
*Interesting* x 2  
*Romantic*  
*Realistic*  
*Music videos*  
*Dancing*  
*Easy to understand*

Children expressed concern regarding the following issues:

- There should be more quality programmes suitable for children's viewing
- It would be nice to see our own teachers participating on television
- There is sometimes a need to reduce exaggerations
- Our favourite programmes should have a longer duration
- Children do not like to see drinking and smoking on television
- Children do not enjoy having their favourite programmes disrupted with adverts
- Children would enjoy learning more about other countries
- Children would like some of their favourite programmes on foreign channels to be dubbed into Maltese
- Children would like to be invited to participate in television programmes
- Children sometimes find programmes on foreign stations difficult to understand (foreign language programmes – ie not in Maltese)
- At times children appear to think that reducing violence from programmes would make them suitable for children (U or PG)

#### **What are the most important priorities to consider without which there would be no quality television programmes on television?**



(Children first compiled long lists of what they considered to be factors to be considered where quality television is concerned. They were then asked to choose the most important priorities from their lists)

No violence \*\*\*  
 Art and craft \*\*\*  
 Nice prizes \*\*\*  
 Educational \*\*\*  
 Good presenter \*\*\*  
 Suitable for a young audience \*\*\*  
 Humorous  
 Good use of language  
 Programme Classification U or PG  
 Games  
 Puppets and animations  
 Music  
 Dancing  
 Information  
 Animals  
 Film clips  
 Technology  
 Interaction  
 Email communication with presenters  
 (\*\*\*) indicates priority)

***Suggestions for a quality television programme for children:***

This group of children suggested different slots and features for a quality television programme for children that would include:

- Children who present the programme themselves
- Good sponsors
- Traditional games
- Film clips from *Power Rangers*
- Different slots everyday
- Computers included in programme
- Viewers chat live with presenters
- Humorous
- Children's recipes from different countries
- Interviews with local personalities
- Teachers conduct revision on television
- Invite different children to the programme every week
- Have a programme website
- Include news for children
- Include role-plays by famous local actors
- Art and craft
- Famous local singers
- Magic tricks
- Each week could be dedicated to a different country

**6.8 Year 5 – Group (8)**

***What is your favourite television programme?***

*L-Avukkat Gawdenz Bilocca* x 3  
*Tom and Jerry* x 2  
*Kalamita* x 2  
*Art Attack* x 2  
*Days of Our Lives* x 2  
*Popeye*



*Bob the Builder*  
*Dexter*  
*Tweety*  
*Teletubbies*  
*Powerpuff Girls*  
*Fimbles*  
*Power Rangers*  
*Kayote*  
*Warner Bros. Cartoons*  
*Totally Spies*  
*Big Wolf on Campus*  
*Dejjem Tieghek Becky*  
*Il-Principal*  
*Zugragu*  
*Smalville*  
*Bawxati*  
*Ingroppi*  
*Tista' Tkun Int*  
*Zona Sport*  
*Luna Park*  
*Bravi Juniors*  
*Seventh Heaven*  
*Owkey*

***Why do you think your favourite television programme is of good quality?***

*Educational x 6*  
*Humorous x 5*  
*Interesting x 5*  
*Information x 3*  
*Art and craft x 3*  
*Good production crew x 3*  
*Entertaining x 2*  
*Suitable for children x 2*  
*Good acting x 2*  
*Mesmerising x 2*  
*Professional people we trust*  
*Different features / sections*  
*Drama*  
*Dancing*  
*Music*  
*Sometimes broadcast from outside studio (OB)*  
*Local promising talent*  
*Good scenery*  
*Learn more about Malta*  
*Action / adventure*  
*Helping others*

Children expressed concern regarding the following issues:

- Excessive adverts
- Children do not always understand sufficient Italian or English/American
- Children would like to find a way to communicate feedback (positive and negative) to local and foreign producers
- Some programmes that children enjoy watching including some sports programmes are broadcast too late for children to stay up to watch
- Some programmes are claimed to be 'out of point', ie they do not keep to the subject matter they claim to broadcast
- Children would like their favourite programmes to be of longer duration
- Children would like more programmes to be presented by children





- Programme sets could be changed more often and not remain the same for a whole season
- Some programmes that children enjoy watching start too early, before the children are home from school
- Some humorous programmes are perceived as not being educational
- Too much repetition is boring
- Some programmes could be improved if there are no murders and no sorrow ('biki')
- Children recognise the fact that some studios have no air conditioning.
- Children suggest that some local talent programmes should include less discussions
- Some children would like to contribute to the story line where local drama is concerned – they perceive some drama as being too drawn out
- Popular actors from local dramas should be invited to participate in other programmes on television
- Some local drama would benefit from having a larger number of actors or from introducing new characters
- Children do not enjoy programmes that are too exaggerated

***What are the most important priorities to consider without which there would be no quality television programmes on television?***

(Children first compiled long lists of what they considered to be factors to be considered where quality television is concerned. They were then asked to choose the most important priorities from their lists)

Educational \*\*\*

Informative \*\*\*

Interesting \*\*\*

Organised well \*\*\*

Good thinking behind the programme

Lovely scenery

Different sections / features in programme

Games

Competitions

Interactive participation

Live transmission

Popular

Made by professionals we trust

Good production crew

Professional filming

Includes participation of popular personalities

(\*\*\* indicates priority)

***Suggestions for a quality television programme for children:***

- A television programme with a number of different sections / features including documentaries, art and craft, a puppet show and cartoons
- A programme about health from a number of different perspectives
- A story /drama with a moral (a lesson – educative)
- A programme presented either by children or by puppets
- A quiz programme
- Puzzles presented on television which children could solve at home, with the solutions later being broadcast on television for children to check whether their solutions were correct or not

**7. Year 6**

***What is your favourite television programme?***

Owkej x 3

Powerpuff Girls x 2

Dejjem Tieghek Becky x 2



Art Attack x 2  
 Xarabank x 2  
 Una Mamma per Amica  
 S Club 7 Movie  
 Extreme  
 50 – 50  
 Il-Principal  
 Half and Half my wife and kids  
 Witch  
 MTV Music  
 Replay  
 Simpsons  
 Discovery Channel  
 Sports programmes  
 M6 Music Blak  
 Yu-gi-oh  
 Detective Conan  
 Teletubbies  
 A70  
 Smackdown  
 Gawdenz Bilocca  
 Net Stars  
 Ninga Turtles  
 Hot Spot  
 Sonic X  
 Tista Tkun int  
 SpongeBob SquarePants  
 Ingroppi  
 Bawxati  
 Pokemon

**Why do you think your favourite television programme is of good quality?**

Educational x 8  
 Good Presenters x 4  
 Includes art and craft x 4  
 No Crime/ no fighting x 4  
 Adventurous x 3  
 Not boring x 3  
 Competitions x 4  
 Information x 3  
 Music x 3  
 Humourous x 3  
 Interesting and varied discussion x 3  
 Learn Life skills x 2  
 Good wins against evil x 2  
 Good Actors / interesting characters x 2  
 Includes cookery x 2  
 Colourful Studio x 2  
 No bad language/ no bad things x 2  
 Suitable for children x 2  
 Nothing rude  
 Not repetitive  
 Showing Interesting Places  
 Everyday life  
 Interesting  
 Participation  
 Can understand language  
 Sports

Children suggested their favourite programmes could include:



- More dancing and drama and music
- More audience participation and audience interaction
- Longer programme duration.

Children expressed concern regarding the following issues:

- children may be encouraged to imitate the characters in the programme
- the same programmes are repeated over and over – too much!
- why should the actors in local dramas wear make up when they go to bed?

***What are the most important priorities to consider without which there would be no quality television programmes on television?***

(Children first compiled long lists of what they considered to be factors to be considered where quality television is concerned. They were then asked to choose the most important priorities from their lists)

*Educational x 5*

*Sports x 4*

*Humourous x 4*

*Games x 3*

*Good Production/Crew x 3*

*Competitions x 3*

*Sponsors x 3*

*Art and Craft x 3*

*Cartoons x 2*

*Setting of Studio x 2*

*Special Features x 2*

*Suitable for children x 2*

*Discussions*

*Adventures*

*Documentaries*

*Religion*

*Quiz*

*Story Telling*

*Interviews*

*Drama*

*Sufficient finance*

*Puppet Shows involving children (with characters like Barney, Tellytubbies etc)*

*Nice guitars/bass guitars/drums*

*Trained Presenters*

*Cooking*

***Suggestions for a quality television programme for children:***

Most responses included suggestions for programmes that included competitions, prizes, quizzes, dancing, music, drama, art and craft, cookery, magic, local personalities, games, puppets and cartoons. Other suggestions included:

- A teleserial about four cousins who always have adventures
- A group of girls who have sleep-overs that always end in mischief
- 'They' [children] will be closed up somewhere (Big Brother style) to do or design something in groups
- Talks about children's health
- Face painting lessons
- Information about pets
- Teaching children how to use computers
- Children's talent shows



## **8. Form 2**

### **What is your favourite television programme?**

*Dejjem Tieghek Becky* x 7  
*Charmed* x 3  
*Eastenders* x 2  
*Eurovision* x 2  
*Amici*  
*My wife and kids*  
*Martin Misteri*  
*L-Avukat Gawdenz Bilocca*  
*MTV*  
*Macchina del Tempo*  
*Dossier*  
*Vojager*  
*Totally Requist Live*

### **Why do you think your favourite television programme is of good quality?**

*Educational* x 6  
*Portrays everyday life* x 6  
*Humourous* x 4  
*Music* x 3  
*Interesting* x 3  
*Realistic* x 3  
*Popular People* x 2  
*Good Acting*  
*No bad language*  
*New story each week*  
*Mysterious*  
*Good Examples*  
*Introducing new singers*  
*No useless words*  
*Easy to understand*  
*Magic*  
*Inspirational*

Further comments and suggestions that the children communicated included:

- More professional filming
- Longer duration of programme
- Keeps the standard
- More popular people
- More younger actors
- Camera movements need to be steadier for some local dramas
- Some local dramas should be translated into foreign languages and sent to television stations overseas
- More competitions and games
- More interviews with popular personalities
- The music does not always suit the mood of the (local) drama
- More variety (genres ?) of music
- 'I will take part in the programme and it will then become more interesting!'





## GUIDELINES FOR PROGRAM CONTENT CREATED FOR CHILDREN<sup>1</sup>

**Ms DANIELA DeBONO**  
**WORKING GROUP AND COMMISSIONER FOR  
CHILDREN'S OFFICE**



The following guidelines were created for media writers, producers, and entertainment executives to consider when developing material for children. As you think about and create your material, we invite you to consider the following elements.

### CHARACTER AND VALUES

- Story lines should reflect positive personal and interpersonal values, enhance children's self-esteem, foster cooperative behavior, show caring and sharing behavior and promote empathy for others.
- Dangerous stunts and techniques or negative behavior that can be easily imitated should be avoided.
- Adults should be portrayed in a positive and supportive way, unless the program is focusing on adult behavior that is harmful or hurtful to the child, and depicts the child's appropriate response. In reality-based programs (animated or live-action), when consistent with the story line, there should be an adult or person in authority to whom a child can go for support.
- Whenever possible, the story line should promote and/or show examples of a healthy lifestyle and a clean environment.
- Special care should be taken to develop comprehensible language and vocabulary in programs for children. Vulgar language should not be used. New and different words can be introduced in order to enhance the child's vocabulary.
- Given that bullying and put-downs have been identified as a major cause of violence among children, special precautions must be taken not to encourage the demeaning or ridiculing of people. Examples of characteristics that are often targeted include children who are deemed "smart," "nerds," "slow to learn," "wear glasses," "overweight," "small," and come from "homes with very low-incomes."



**Ms Daniela DeBono**  
**Working Group and Commissioner for  
Children's Office**

### CONFLICT AND VIOLENCE

- Conflict situations should be handled with great care. Whenever possible, conflict resolution by means of dialogue, negotiation, mediation or other clever techniques should be reinforced.
- Antisocial behavior (for example, vandalism, aggression, criminal behavior or bullying) should be portrayed as unglamorous and unacceptable.
- Gratuitous, graphic or excessive violence -- whether physical or psychological -- must be avoided in programs for children. A limited level of violent behavior may be shown, but only when the subject is properly explored, portrayed in the appropriate context, and the dangerous and negative consequences are clearly and realistically depicted.
- Unless integral to the story or for the purpose of sensitizing the audience to the proper care of animals, portraying scenes in which animals are injured or mistreated should be avoided.

<sup>1</sup> Special Considerations for Creators of Children's Media, DIC Entertainment & Mediascope



- The portrayal of criminal behavior should always carry with it a clear message that "crime does not pay."

#### DIVERSITY AND STEREOTYPES

- Portrayal of diversity should be encouraged. Special sensitivity and balance are necessary in the portrayal of gender, ethnicity, color, age, religion, culture, sexual orientation, socio-economic status and physical and mental disabilities.
- It is important to understand that the concept of family is changing. When representing families, creators should be sensitive to the concept that families can be composed of single parents, adopted children, foster children or other household combinations.
- There should be opportunities for balanced portrayals of characters representing various groups who have unique personality styles, diverse points of view, are independent thinkers, and who are willing, in acceptable ways, to be unconventional.
- Positive portrayals of unconventional individuals should be encouraged so long as their behavior remains consistent with the guidelines in this document.
- Overt stereotyping of any group should be avoided by creating characters who are multifaceted in their behavior, thoughts, and actions.





## A CHILDREN AND YOUNG PERSONS' PERSPECTIVE

**MS LARA CAMILLERI  
COUNCIL FOR CHILDREN**



On behalf of the young Council for Children members, Shanna Spiteri, Charlot Borg and Malone Debono, I would like to thank you for this opportunity to participate in this Round Table and pass on to you our thoughts on the subject of Quality Children's Programmes.

It is very important to have good quality television programmes for children and young people. This shows both respect towards children and young people and acknowledging them as audience of TV.

We would like to propose the following:

- We would love to have a TV station for Maltese children and young people only. Though we understand that this might be difficult financially, the benefits we feel would be great.
- One should also keep in mind that children and young people are very different and they watch different kinds of programmes. Children might find adults' programmes more interesting than children's programmes, and they might also find themselves in a situation where they have to watch what parents and older siblings watch.
- Adverts bore children and young people and they are a deterrent to watching particular programmes when the slots are too long. Besides we also feel that we have to mention the fact that children and young people might be more influenced by advertising when their families might not be in a position to buy certain products which are advertised.
- Five essential characteristics of a children's and young persons programme would be:
  - o A programme has to be realistic
  - o A Maltese setting
  - o Well thought out characters are fun!
  - o Informative and educational
  - o It has to have a good amount of fantasy
- We feel that the guidelines proposed are good and very comprehensive. We particularly like the mention of vandalism being portrayed as a bad thing, and that there should be no use of vulgar language in children's and young persons' programmes as this shows a great lack of respect.
- Finally we would like to add that we feel there are not enough good radio programmes for children and young people – and this should also be addressed.



**Ms Lara Camilleri  
Council for Children**

Thank you.







## PROPOSED STRATEGY FOR GOOD QUALITY CHILDREN'S PROGRAMMING

**DR KEVIN AQUILINA**  
**CHIEF EXECUTIVE BROADCASTING AUTHORITY**



Ideally, this strategy should be adopted by Parliament under the provisions of a new enactment to be known as the *Children's Broadcasting Act*. The object and reasons of this law would be to improve quality broadcasting programming for children.

The proposed strategy is divided into eight parts:

### 1. INSTITUTIONAL

A Quality Children's Programming Commission should be appointed to consist of experts in the field. This Commission is to have a threefold function. Each one of its functions is to be carried out by a Panel. Three Panels can be set up as follows:



**Dr Kevin Aquilina**  
**Chief Executive**  
**Broadcasting Authority**

(a) *Consultancy Panel*: this Panel is to be composed of a number of experts (in media, psychology, education, sociology, children's rights, etc.) to give free advice to broadcasting stations, independent production houses and advertisers on an ongoing basis with regard to the production of good quality children's advertising and programming.

(b) *Programme Selection Panel*: this Panel will select proposals from broadcasters and independent production houses for quality children's programmes falling within the following categories:

- children's television programmes;
- nationwide radio children's programmes;
- community radio children's programme,

each of the above three categories can be divided in the following age groups:

- (i) toddlers to five years;
- (ii) ages six to eight;
- (iii) ages nine to twelve; and
- (iv) age thirteen to sixteen.

Such proposals can be made with regard to programme development, actual production and post-production research aimed at establishing good practice.

(c) *Programme Monitoring Panel*: this Panel will:

- (i) monitor children's programmes;
- (ii) draw up reports on local children's programmes;
- (iii) obtain feedback from children, parents, teachers and others as to quality content;
- (iv) carry out qualitative and quantitative research on children's programming;
- (v) organise an annual meeting for broadcasters, independent production houses and advertisers to discuss issues relating to quality children's programmes current at the time and to update, from time to time, this strategy; and
- (vi) provide feedback to the Committee and the other panels on the quality of children's programmes.



The Commission with co-ordinate the activities of all three panels, monitor progress achieved by each Panel and ensure that the object and reasons of the Children's Broadcasting Act are met.

## 2. LEGAL/REGULATORY

- There should be a legal and/or licence requirement that broadcasting free-to-air television stations should broadcast a minimum number of hours of quality children's programming.
- Adverts which harm minors (junk food, toy weapons, etc) should be prohibited.
- Unfortunately, the Broadcasting Code for the Protection of Minors tackles only the advertising aspect. Hence it needs to be widened to cater for other aspects such as:
  - (i) the impact on the psychological development of minors;
  - (ii) children as viewers and listeners (violence, language, stereotyping, ...)
  - (iii) children as participants in children's programmes;
  - (iv) children as participants in non-children's programmes (e.g. factual programmes, current affairs programmes, news, ...)
  - (v) children and the issue of consent;
  - (vi) portrayal and interviewing of children;
  - (vii) children in studio audiences;
  - (viii) children employed as actors/performers;
  - (ix) licensing requirements for children employed in broadcasting activities;
  - (x) television programme classifications and watershed.
- Media Education should be introduced as a compulsory course in the State and private school curricula in order to equip children with the necessary tools to empower them to be critical of what they see and hear on the broadcasting media in a more construction manner.
- Good Quality Children's Programmes Guidelines should be part of the law.

## 3. FINANCIAL

The drawing up and establishment of a Quality Children's Broadcasting Fund. The Fund's objectives are to:

- (i) develop high quality children's programmes based on Maltese culture, heritage and experience;
- (ii) develop these programmes in the Maltese language;
- (iii) increase the availability of these programmes on the local broadcasting media;
- (iv) pay for the expenses incurred in the implementation of this strategy.

The Fund should receive a percentage of say 20% of television licence fees in order to distribute the revenue collected amongst broadcasters and independent production houses who would have competed amongst themselves for the said funds and, generally, for the implementation of this strategy.

The Fund should also receive a percentage of say 1% of the advertising budget of each broadcasting station. This amount of money will be given back to such stations so that it can be used to compensate for the lack of advertising in children's programmes.

- The fund could also receive donations from the private sector and from other entities such as foundations, etc.



#### 4. HUMAN RESOURCES

Training of local broadcasters and producers. This can take place in the following forms:

- (a) training to be given by the University of Malta (Faculty of Education and CCT);
- (b) placement of Maltese broadcasters and producers with foreign broadcasting stations (e.g. BBC, RAI, etc.) through EU funding;
- (c) bringing over foreign experts to deliver lectures in Malta (e.g. with the assistance of various embassies such as the British High Commission, Australian High Commission, Italian Embassy, French Embassy, American Embassy, etc) or Foundations (Commonwealth Foundation, Strickland Foundation, Tumas Fenech Foundation, etc.);
- (d) training of parents in media literacy: e.g. utilisation of Education 22 for this purpose;
- (e) training should not only focus on content but also on the techniques employed; and
- (f) sending Maltese academics abroad for training so that they can in return train the Maltese broadcasters/independent production houses employees (training the trainers).

#### 5. PROGRAMMING

- (a) Compilation of Guidelines on Good Quality Children's Programmes
- (b) Pilot Project: commissioning 4 good children's quality programming which will focus on the four age groups categorised hereunder:
  - (i) toddlers to five years;
  - (ii) ages six to eight;
  - (iii) age nine to twelve; and
  - (iv) age thirteen to sixteen.

These 4 programmes will be used in focus groups composed of children so that their feedback thereupon could be obtained and used for raising private sponsorship for the Fund.

#### 6. AWARENESS RAISING

An awareness campaign should primarily target:

- (i) children;
- (ii) parents;
- (iii) teachers;
- (iv) child welfare non-governmental organisations; and
- (v) the public administration.

Other sectors of society have to be targeted as well – though this might overlap with item 4 above (training) – in the case of:

- (i) broadcasters;
- (ii) independent production houses;
- (iii) advertisers.

Such a sensitisation campaign can take the form of:

- (i) articles in the press/public service announcements on radio and television;
- (ii) publication of leaflets, brochures, posters, compact disks, etc;
- (iii) dissemination of the good quality children's programmes guidelines;
- (iv) providing information with regard to the lodging of complaints on children's programmes which in the public's views do not achieve the required standard;
- (v) a website to raise public awareness.



## 7. ENFORCEMENT MECHANISM

An enforcement mechanism has to be established in order to ensure that the provisions of the Children Broadcasting Act's provisions are complied with. The Broadcasting Authority can be entrusted with enforcing the provisions of this enactment.

## 8. NEW MEDIA

The impact of digital terrestrial television on children needs to be studied as well in order to ensure that programme filtering and blocking facilities are available to parents, more so if such technology is combined with other media such as the internet, play station, SMSs and interactive services.

## RECOMMENDATIONS FOR LEGISLATIVE CHANGE

Issues which should be addressed in order to better enhance the protection of minors within the broadcasting landscape by national, regional and international authorities are the following:-

### 1.1. Proposals concerning Rating Systems

- the need to have a universal system of classification of films so that the same system is applied world-wide. One must bear in mind that in the case of cable and satellite television systems, a film which is classified as 'Universal' in country A might be classified as for 'Adults and Adolescents' in country B or requiring 'Parental Guidance' in country C.
- the need for a common rating system for all forms of media such as, video games, internet narrowcasting, audio cassettes, video cassettes, audio and video compact discs, digital versatile disks, mini-disks, teletext data in the case of television, radio data system (rds) in the case of radio, computer software.
- a uniform harmonised system of acoustic warnings and visual symbols should be used by broadcasters in order to indicate those programmes which may be harmful to minors. These on-screen icons should, in order to be effective, be well visible on the screen, not be covered by the station's or programme's logo or other sign, appear during the whole duration of the programme and apply to all genres of programmes. The uniform rating system should apply not only to the broadcasting media (radio and television) but also to films, videos, compact disks, digital versatile disks and the internet because with children travelling abroad together with their parents more frequently than in the past, and with the media converging together, globalisation and media convergence has an impact on the future of rating practices.
- in case of free-to-air television services, the need to announce after the watershed, prior to the broadcast of a programme, the classification category thereof when they are unsuitable for minors.
- the need for a common definition of a watershed, both for radio and television.
- the need for each broadcasting station to have its own programme classification committee or expert.
- a system of common descriptive symbols and criteria should be adopted by the international community to assess programme content.

### 1.2. Proposals concerning the Exercise of Parental Duties

- broadcasters need to provide more advance information on programme content to parents.
- announcements before programmes should be more content specific in order to enable parents to better exercise their parental duties vis-a-vis their children.
- in newspapers and programme guide listings of programmes as well as in programme schedules on the internet sites of broadcasting stations and on teletext services, the





programme classification should be published. In this way, parents will know beforehand which programmes are harmful to their children. This makes it easier for parents to control their children's television viewing or radio listening.

- the need for parents to assume a more pro-active role by exercising discipline and restraint on their own children by, for instance, watching together with their children certain programmes and explaining to them what those programmes were really about. Parents should avoid using the television as an alternative to a baby sitter with all the negative aspects which this entails. Parents should also be encouraged to familiarise themselves with what is on offer by the broadcasting media and to limit the number of hours per day their children watch television apart from ensuring that the content viewed is suitable for their children.

### **1.3. Proposals concerning Trailers**

- trailers of films broadcast on television which are not suitable for children should not be transmitted prior to the watershed.

### **1.4. Proposals concerning Programme Repeats**

- no repeats of programmes which are unsuitable for children should be transmitted prior to the watershed. Broadcasters should ensure that programmes repeats containing adult material aired during the night should not be automatically repeated, without being previously vetted for adult content, during children viewing and listening time.

### **1.5. Proposals concerning Children's Programmes**

- cartoons frequently contain a high rate of violence. As these programmes are favoured by children more regulation of their content should be exercised by broadcasters to ensure that they do not have violence as a central theme or that they invite dangerous imitation.
- figures, puppets and similar items which feature regularly in children's programmes should not appear in advertisements or teleshopping for products and services of particular interest to children. Persons affiliated with children's programmes should not be permitted to advertise or appear in teleshopping programmes selling products of particular interest to children.
- children's programmes should not contain frightening or otherwise excessive special effects not required by the story line or realistic scenes of violence which create the impression that violence is the best way to resolve conflict.<sup>1</sup>
- in news breaks screened during programmes directed at children, broadcasters should not normally use images or descriptions likely to alarm or disturb children except in cases of public interest.
- animated children's programmes should not be interrupted by animated advertisements.
- children's programmes should not be sponsored.
- special care should be taken to distinguish advertisements from children's programmes.

### **1.6. Proposals concerning Technical Standards**

- a parental control system for encoded services should be invariably provided.
- ensuring that television sets, when newly manufactured or imported, have as a standard feature technical devices which are capable of blocking out potentially harmful content with the aid of channel pins, channel filters and programmes filters<sup>2</sup>

<sup>1</sup> Vide Mary Raine (ed.), *The Commonwealth Broadcasting Associations' CBA Editorial Guidelines*, UNESCO, New Delhi, India, 2004, pp. 23-24.

<sup>2</sup> Vide *Communication From The Commission To The Council, The European Parliament And The Economic And Social Committee: Study On Parental Control Of Television Broadcasting*, Brussels, European Commission, COM/99,371 Final En, 19<sup>th</sup> July 1999, available at [http://europa.eu.int/comm/avpolicy/legis/key\\_doc/parental\\_control/comparent\\_en.pdf](http://europa.eu.int/comm/avpolicy/legis/key_doc/parental_control/comparent_en.pdf).

**1.7. Proposals concerning Media Education/Literacy and Research**

- media education and literacy programmes should be devised not only by being aimed at school children but even at parents and other adults. A Media Literacy Policy should be drawn up and implemented by the competent authorities.
- bearing in mind the three fears about media effects on children (violence, sexual content and advertising),<sup>3</sup> it is imperative that thorough research is carried out with regard to the effects of the broadcasting media on children. For instance, in so far as Malta is concerned, the contributions made by Dr. Joe Grixti, Fr. Joe Borg, Dr. Mary Anne Lauri, Mr. Stephen Zerafa<sup>4</sup> and others, though pertinent and valuable in their own right, need to be supplemented by more wide ranging qualitative and quantitative studies.

**1.8. Proposals concerning the Self-Regulation of the Audio-visual Industry**

- the media industry should opt for self-regulation. An apposite code of conduct should be drawn up by the industry itself and broadcasters should transmit harmful content only if the rules in the said code are observed

**1.9. Proposals concerning Broadcasters**

- broadcasters have to ensure that their staff members and independent producers are fully conversant with the laws and regulations aimed at the protection of minors within the audiovisual landscape and, if need be, appoint one member of staff to guide other staff members and independent producers with any queries that might have on the subject.
- when in doubt as to the interpretation of a provision of these laws and regulations, broadcasters should proceed to obtain clarification from the broadcasting regulator prior to broadcasting.
- broadcasters should aim to provide good quality programmes to children.<sup>5</sup>

**1.10. Proposals concerning the clarification of key content terminology**

- clear guidelines need to be drawn up with regard to the interpretation of certain terms such as 'violence', 'sexual content', 'pornography', 'indecent', 'bad language',<sup>6</sup> 'harmful content', 'illegal content', etc. as these terms have different meanings to different persons so much so that no objective interpretation of these terms is found in our statute book.

**1.11. Proposals concerning Enforcement of Applicable Legislation**

- hotlines to handle complaints about harmful content on all media could well be established.<sup>7</sup>

**1.12. Proposals concerning the Adoption of International Standards**

- that all Member States of the United Nations, Malta included, should accede to the United Nations Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography as, to date, there cannot be said that there is widespread adherence to this Optional Protocol by the international community<sup>8</sup>

<sup>3</sup> For a study of the effects of the mass media on children with regard to the three fears, vide "Children" in *Communication Research Trends*, Volume 20 (2000/2001) Number 1-4, pp. 59-72, Santa Clara, California, Centre for the Study of Communication and Culture.

<sup>4</sup> Stephen Zerafa, *Children's Programmes on Maltese Television: A Case Study*, Hamrun, Broadcasting Authority, May 2000 (unpublished).

<sup>5</sup> This point is discussed by Bob Collins, "Respect of Minors" in *Diffusion: Quarterly Journal of the European Broadcasting Union*, 2001, No. 2, pp. 11-13.

<sup>6</sup> For a study on bad language in the broadcasting media, vide Andrea Millwood Hargrave, *Bad Language – What Are The Limits*, London, Broadcasting Standards Commission, January 1998.

<sup>7</sup> Vide *Evaluation Report From the Commission to the Council and the European Parliament on the Application of Council Recommendation of 24 September 1998 concerning the Protection of Minors and Human Dignity*, European Commission, Brussels, 27 February 2001, COM (2001) 106 final, p. 7, available at [http://europa.eu.int/comm/avpolicy/regul/new\\_srv/ermin\\_en.pdf](http://europa.eu.int/comm/avpolicy/regul/new_srv/ermin_en.pdf).

<sup>8</sup> Although in the case of the United Nations Convention on the Rights of the Child 1989 the Convention has been adhered to by 192 States - with only two States which have not yet adhered thereto, namely the United States of America and Somalia (<http://www.unicef.org/crc/crc.htm>; and <http://www.unhcr.ch/pdf/report.pdf>) -



### **1.13. Proposals concerning the involvement of Civil Society**

- it is not only broadcasters, competent authorities, regulators, teachers and parents who have a seminal role in the protection of minors within the broadcasting landscape. Civil society at large can also assist in such task through the various lobby groups who can put pressure on the powers that be to safeguard children's rights such as with children's welfare organizations, human rights movements, consumer associations, voluntary organizations of a social character, etc. It is of the utmost importance that such organizations are not only consulted prior to the formulation of any policy which might affect children's rights but they are also brought on board to actively participate in the various initiatives taken by the competent authorities to foster children's rights. Hence a policy to encourage such participation should be developed.







# MALTA OLYMPIC COMMITTEE

## Sports Marketing Seminar 2005

7<sup>th</sup>-9<sup>th</sup> October

Venue: New DOLMEN Hotel, St. Paul's Bay

### DOLMEN ROOM



**“SPONSORSHIP IN SPORT – HOW IS THIS PORTRAYED ON TV: WHAT IS PERMITTED AND WHAT IS NOT WITHIN THE TERMS OF THE BROADCASTING ACT: HOW CAN THIS BE IMPROVED TO REFLECT THE CURRENT SITUATION. WHAT CAN THE BROADCASTING AUTHORITY DO TO ENSURE THAT LOCAL SPORTS IS GIVEN DUE COVERAGE IN THE INTEREST OF THE COMMUNITY”.**

**JOANNA SPITERI, B.A (HONS), M.A**  
SUPERVISOR, BROADCASTING AUTHORITY



As described by the Institute of Sports Sponsorship (UK), sponsorship is a commercial agreement between a company and a sport organisation to enter into a joint venture to promote their mutual interests. In return for a financial contribution, the sports organisation uses the name of the sponsor for its activities.

The Maltese Broadcasting Act gives a definition of what the term ‘advertising’ means. In Article 2 the term ‘advertising’ is defined as a “any form of announcement broadcast whether in return for payment or for similar consideration, or broadcast for self-promotional purposes by a public or private undertaking in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment”

According to the Third Schedule of the Broadcasting Act paragraph 11 “In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertising and teleshopping shall only be inserted between the parts of the intervals”.

Back in October 2002 the Broadcasting Authority explained steps which were being taken against certain sports programmes wherein interviews with players and coaches especially football and basketball players where being interviewed in front of large boards which had the name of the sponsors on them. The Broadcasting Authority does not object to the filming of players wearing their gear or tracksuit and which normally have the name of the sponsor of a club, team or individual provided that such clothes are worn at the place where the sports activity is taking place and not in the television station’s studio. Moreover the Authority treats this case as incidental and not as surreptitious advertising. The Authority did take steps against those programmes in which players were interviewed in front of a sponsored billboard, especially in the past where football players or coaches were interviewed in front of a billboard which had the name of a cigarette brand name on it. The Broadcasting Act states that “All forms of advertising and teleshopping for cigarettes and other tobacco products shall be prohibited”. The Authority investigated such programmes and concluded that such advertising and sponsorship cannot be described as incidental but it was a case of surreptitious advertising.



From correspondence exchanged between the Broadcasting Authority and sports associations/organisations, the following points are noteworthy :-

When the X edition of the Games of the Small States of Europe was hosted in 2003, the Authority did not accept to give concession to the Malta Olympic Committee to use a sponsored backdrop in the venue media centres from where television interviews were to be filmed. The Authority answered that it was bound to comply with the pertinent provisions of the Broadcasting Act which do not permit surreptitious advertising.

When Melita Cable p.l.c. asked the Authority whether the company can make available airtime on one of its channels to relay the above-mentioned sports events organised by the Malta Olympic Committee to all subscribers, the Authority did not find any objection as long as Melita Cable p.l.c. complies with the provisions of the Third Schedule to the Broadcasting Act in so far as advertising is concerned. These events were sponsored by various local organisations but Melita confirmed that it was not making any financial gain from the airing of the said promotions.

From time to time the Broadcasting Authority seeks the advice of other European broadcasting regulatory bodies with regard to product placement in sports events and sports programmes. When it was asked by a local sports organisation on product placement in sport programmes, the Authority sought the advice of these regulatory bodies so as to know how they were dealing with such adverts and/or programmes in their respective jurisdiction. These are some guidelines which the Authority received:-

#### Product Placement during Sports Events

UK – The Independent Television Commission (ITC) follow the rule that when interviews take place in circumstances outside the broadcaster's direct control, for example, at football club's ground, the broadcaster is effectively a guest and cannot insist on conducting interviews anywhere other the place which the host makes available. The broadcaster still has a responsibility to minimise the exposure of the branding through camera techniques. However, if the interview takes place elsewhere, that is on a public street or in a studio then the broadcaster does have full control and should ensure that interviews take place where branding is not present.

Lithuania – One of the Monitoring Rules of the Radio and Television Commission of Lithuania (RTCL) states that "showing of advertising billboards, stands in stadiums, logotypes on equipment, clothes, etc. during the time of broadcasting and re-broadcasting sports and other programmes, is not regarded as advertising". However, if a case is disputable the RTCL would address the Consumers' Council who will decide what kind of advertising that particular case is, if at all.

Danish Radio and Television Board – The Board is not pro-active and mostly reacts when it receives complaints. However, the Board tend to consider interviews conducted in front of a board full of advertisements as incidental advertising and not surreptitious advertising.

Romania – In Romania they addressed such a situation directly to FIFA and UEFA especially with regard to alcoholic drinks adverts that are placed on the sports playground and that may be seen both on television during the games and during the breaks. In Romania they consider such advertising as product placement when interviews with team's coaches and players are held with a board full of adverts in the backdrop. FIFA and UEFA decided that interviews may take place in a special place, on a blue background with no ads to be seen.

Switzerland – The Swiss argue that if there is no remuneration in favour of the broadcaster, there is no advertising in the sense of radio and television law. If the sponsor of the event which appears on the board is at the same time the sponsor of the emission which is broadcasted, that would qualify as surreptitious advertising. They argue that advertising needs a financing relation between the sponsor on the board and the broadcaster.

Cyprus – The Cypriot Radio-Television Authority does not have a strict policy on cases of sports events because in the cases they had, they were unable to categorize the violation of the law under surreptitious advertising. However, in their view, if the station has the option to use a



different background either at the studio or at the location where these interviews take place, then it should be considered responsible for the indirect advertising of any products. If, however, the interview is not organized or hosted by the station and the journalists of that station have no option but to cover the event where it takes place, then the station should not be penalized for transmitting the event.

Hungary – In Hungary the sponsors also demand to show their products or logos during the interviews. These logos or emblems have to be visible. This is classified as product placement. The sponsors have to have a legally binding contract with the player or with the sport association to avoid surreptitious advertising. If there is a legally binding contract it is considered as direct advertising and definitely not incidental or surreptitious. Without the contract the advertising is illegal and the broadcaster is liable of surreptitious advertising. The National Radio and Television Commission Office check whether the sponsor has or does not have a contract with the players or with the sport associations. This Commission Office also classify as surreptitious advertising the companies's emblems or logos are shown during the broadcasting for a relatively long period of time. The Hungarian Media Law regulates broadcasters and looks at it from the consumers' viewpoint in order to establish whether there is any impact on views and listeners who are easily influenced by broadcasters.

After the Broadcasting Authority consulted other European broadcasting regulators, the Authority informed the Malta Football Association that it monitors each programme on a case to case basis depending on the circumstances of each particular case. The Authority distinguishes between interviews wherein the broadcaster has full control of the setting and interviews wherein the broadcaster is the guest. In the first case the broadcaster is responsible of the set up so if any advertising or product placement takes place then it is considered to be surreptitious advertising. In the second instance when the broadcaster is invited to film a game or interviews take place in that same environment, though the broadcaster remains responsible to minimize the exposure of sponsors and advertisements by for instance, using tight camera angles, the Authority does not consider such instances as surreptitious advertising.

### Conclusion

As a regulatory authority, the Authority does not make the rules concerning advertising in sports programmes. Such rules have been made by the Maltese Parliament when it enacted the Broadcasting Act itself. What is however, relevant is that the Broadcasting Act complies with the provisions of both the European Union's Television Without Frontiers Directive and the Council of Europe's Transfrontier Television Convention on the subject under review.

While the Authority agrees that sports in Malta has to be helped by third parties and should not be limited, however, the Authority stresses that that each programme be it a sport programme, entertainment and other programme genre will have to abide by the broadcasting laws.



## SURVEY OF THE BROADCASTING INDUSTRY 2005

### RESEARCH REPORT

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*CST 3728 Media Research Practicum*  
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*18/05/2005*

### BROADCASTING INDUSTRY SURVEY MAY 2005

During May 2005, a telephone survey was conducted by a team of University students on behalf of the Malta Broadcasting Authority. The aims can be summarised as follows:

- To find out the breakdown of the workforce within broadcasting organizations in Malta, considering gender division;
- To capture other human resources issues, such as education of the employees, recruitment, training, promotion, and turnover;
- To look at the presence of different policies within broadcasting organizations, such as family friendly policies, sexual harassment policy, training and mentoring schemes and others.

The questionnaire was based on two previous surveys conducted in 2000 and 2002. Additional questions were included to get a better picture of employment breakdown in the industry (See appendix A). A pilot study was performed prior to contacting the stations in order to make sure the questions are clear and straightforward.

Following the brief of our client we conducted telephone interviews to get a higher response rate which we did. The questionnaires, however, had to be mailed or faxed to the participating stations in advance for them to collect the information required.

Out of 16 national broadcasting organisations, four television stations and ten radio stations completed the questionnaire, namely TVM, Education 22, Net TV, Smash TV, Radju Parlament, Radio 101, RTK, Smash Radio, Xfm, Radju Marija, Capital Radio, Radio Malta, Campus FM, and Bay Radio. Super1 Radio, Super 1 TV and A3FM did provide any information.

Analysis included calculating the number of males and females working in the broadcasting industry in general, wage scales, education levels and organizational policies. The report indicates trends in gender distribution across stations and positions, and provides some interpretations of the data.



## SECTION A

### Composition by nationality.

From the total number of people employed (746) by the above mentioned stations 75% are males and 25% are females. Interestingly, these numbers have changed little since surveys conducted in 2000 and 2002.

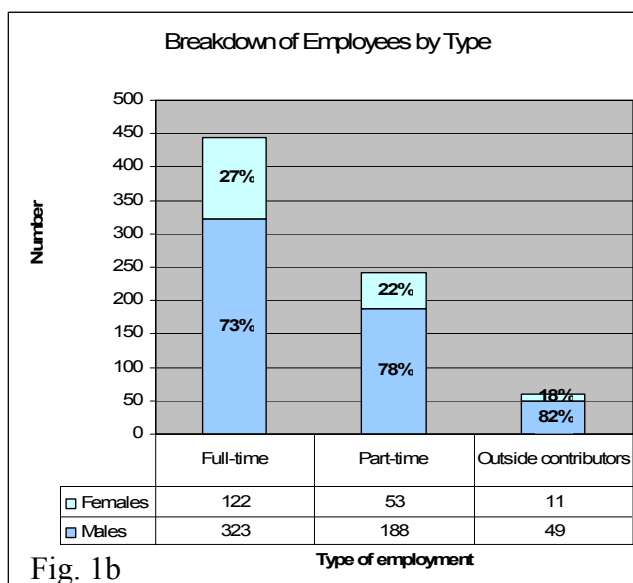
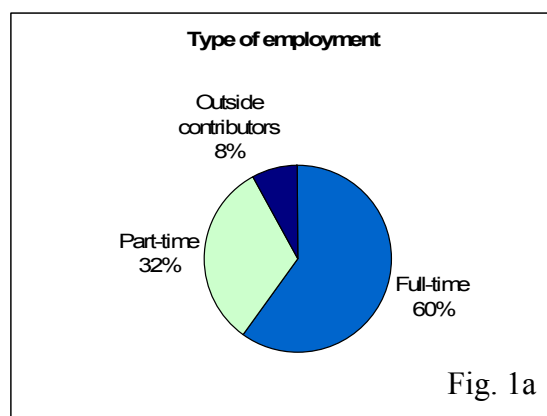
The percentage of Maltese nationals employed is 90%. Compared to the findings of the previous surveys, the percentage of “foreigners” has increased from 3% in 2000 to 10% in 2005. Among “foreigners” 31% are women.

### Type of employment: full-time vs. part-time

The number of full-time employees amounts to 60% of the total workforce, whereby 73% are male, and 27% are female (See Fig. 1a, b). During the last 3 years, the number of full-time females employed has increased by 4%.

Close to 32% of the total number of employees are part-timers, whereby 78% are male and 22% are female.

Outside contributors comprise 8% of the workforce whereby 81.7% are male, and 18.3% are female. Outside contributors are employed by three stations, namely Bay Radio, Campus FM, and Radio 101.

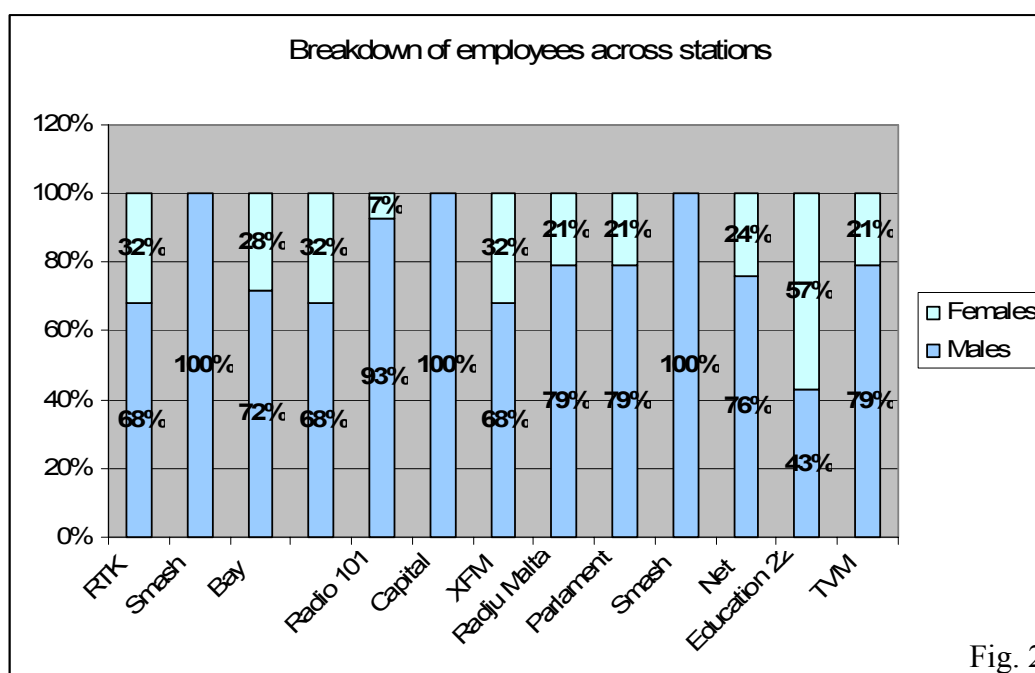


### Breakdown of employees across stations

Nearly all of the respondents had a female complement, with the exception of Smash TV, Smash Radio, and Capital Radio. Net TV and PBS Ltd are largely dominated by males, with 76% males in Net TV, and 79% males in PBS Ltd (See Fig. 2)

The only station that is dominated by females is Education22 where 57% are women. In fact, the proportion of females in Education22 has increased from 46% in 2002 to 57% in 2005, thus it is still the station with the highest percentage of female representation.





The numbers of males and females in different stations are shown in Table 1. There is practically no difference in the distribution of males and females between radio and TV stations.

Table 1 Breakdown of employees across stations				
		Male	Female	Total
Radio	RTK	23	11	34
	Smash Radio	3	0	3
	Bay	23	9	32
	Campus FM	26	12	38
	Radio 101	26	2	28
	Capital	21	0	21
	XFM	17	8	25
	Radju Malta	53	14	67
	Parlament	53	14	67
	<b>Total</b>	<b>245 (78%)</b>	<b>70 (22%)</b>	<b>315</b>
TV	Smash TV	3	0	3
	Net	239	75	314
	Education 22	20	27	47
	TVM	53	14	67
	<b>Total</b>	<b>315 (73%)</b>	<b>116 (28%)</b>	<b>431</b>

### Breakdown of employees across departments

The highest concentration of women employees, 60%, is in the clerical category (See Table 2). This can be contrasted with 27% occupied by women in the administrative positions.

The majority of personnel (regardless of gender) is in the technical department and it comprises 37% of the total workforce. Interestingly enough, 90% of employees in this section are males.

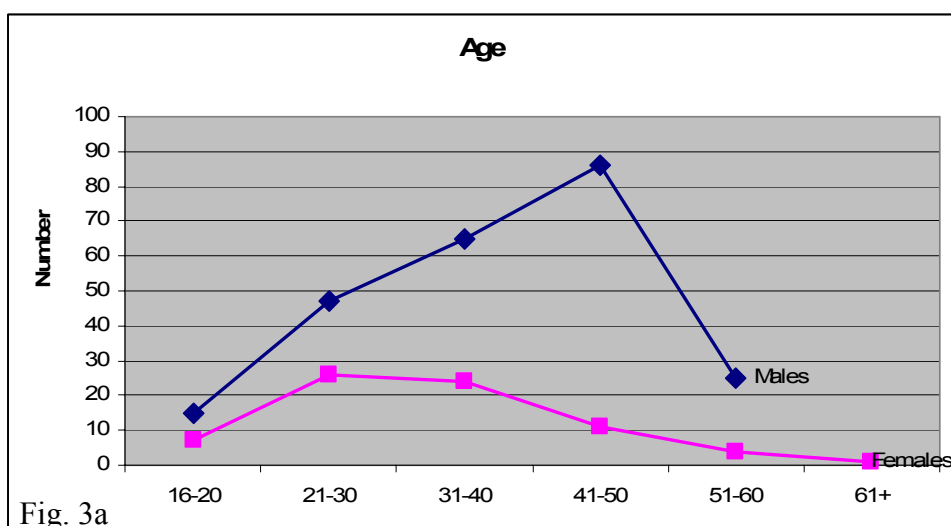
Sales departments are the smallest of all, where only 4% of employees are occupied. Of these four per cent, 46% are males and 54% females.



Table 2 <i>Breakdown of employees across departments</i>			
	Males	Females	TOTAL
Administration	63 73%	23 27%	86 29%
Production	34 70%	1 30%	35 12%
Technical	99 90%	10 10%	109 37%
Sales	6 46%	7 54%	13 4%
Clerical	11 40%	16 60%	27 9%
Ancillary	25 89%	3 11%	28 9%
<b>TOTAL</b>	<b>238 80%</b>	<b>60 20%</b>	<b>298 100%</b>

### Age and wages

Information about age and wages was provided for only 298 full-time employees, that is for 67% of the total number of full-time workers reported to be employed by the participating stations. (See Fig. 3a,b).



As can be seen from the graph above, the majority of male employees are within 41-50 age bracket. The majority of females, on the other hand are between 21 and 40 years old. This discrepancy can be explained by the fact that few females were employed in the industry in the past. As more women enter the broadcasting industry and the population of males gets older, there is a chance that both genders will be more equally represented.





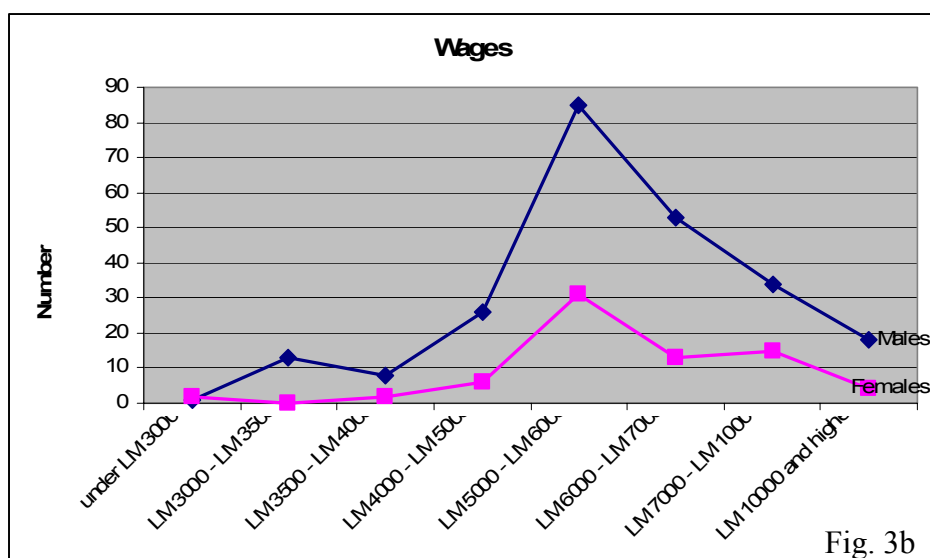


Fig. 3b

As far as wages are concerned, there seems to be little difference in the distribution of pay: the majority of males and females fall into the LM 5000 – LM 6000 category. Generally, people employed in the same position within the same organization have similar pay.

### Education

With regards to education, 53% of all employees are educated up to secondary level (18% of females, 82% of males). (See Fig. 3a, b). There is about 24% of employees that have a university degree (53% of females and 47% of males) and 22% have post-secondary education (25% of females and 75% of males).

Surprisingly, females with a university degree outnumber males. In fact, this contrasts with the findings of the previous survey conducted in 2002, as the percentage of females with a university degree has almost doubled.

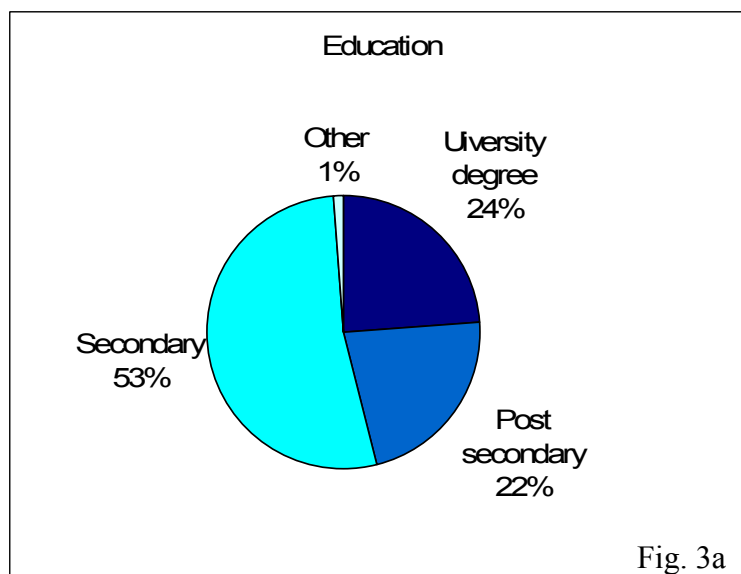
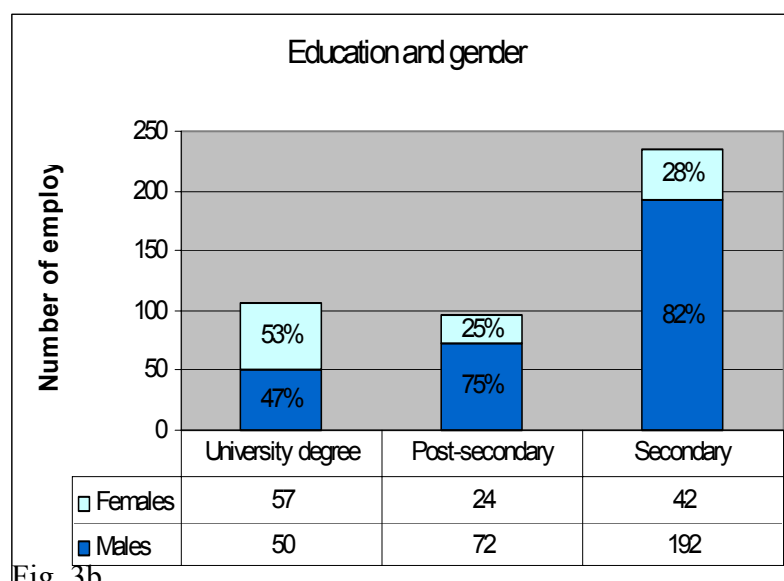


Fig. 3a





### Training

About 27 % of all employees have received or are receiving training. Induction training was given to a total of 158 employees, 114 of which are males (20% of the total number of males) and 44 are females (23% of the total number of females). Seventeen employees are currently receiving training, among them 8 are males and 9 are females.

Executive training has been provided for 29 employees in the last 3 years. Among those who received training for executive positions 23 were male and 6 were female. Although the number of females receiving executive training may look insignificant compared to the number of males, those 6 women comprise 3% of the total number of female employees, whereas 23 men represent 4% of the total number of male employees.

### Recruitment

Out of the 100 males who applied for a job, 9 (9%) were employed. Similarly, about 9% of females got the positions they applied for (14 out of 158). There does not seem to be any discrimination as far as recruitment is concerned. However, 70% of female candidates applied for either a receptionist or a clerical position.

There is a possibility that in the future, as more females get tertiary education, more will apply for higher positions.

### Promotion

The number of workers who received a promotion in the last three years was 17, that is 8 males and 9 females. The trend for males is to get a promotion as a result of seniority (5 out of 8), whereas females get promoted for other reasons (5 out of 9) such as exhibited potential.

Naturally, females are less likely to be promoted as a result of seniority as the number of women in the media industry has increased only recently. Also, it seems that females have to “justify” their being promoted, while males get promotions as a result of the number of years they have worked for.

### Turnover and Reasons for Leaving

As reported by the participating stations, 47 employees have left their place of work in the past three years (26 males 21 females). About a half of the employees that left their job, both males and females, have moved to another job outside broadcasting. The number of employees that have left to care for children is equal, with 1 male and 1 female leaving for this reason.



## SECTION B

### Parental leave.

During the last three years, 7 females employed in 5 different broadcasting stations (out of the 14 stations who responded) have benefited from maternity leave. This contrasts with only one male who benefited from paternity leave during the same period.

### Family friendly policies.

3 stations indicated that they have flexible working hours only, one station offers the possibility of working from home and one station offers child minding facilities only. Three stations offer special leave as a family friendly policy. Three stations stated that they offer flexible working hours and the possibility of working from home while 6 stations reported that they offer no family friendly policies.

### Mentoring schemes.

Out of 14 stations, 6 stations have a mentoring scheme. During the last three years, 4 males and 2 females have participated in this scheme from 2 different stations. When asked what considerations are taken into account when choosing a mentor, one station listed the position of employee in organisation, work experience and leadership skills. One station takes work experience into account and three stations specified that ongoing training was a criterion for choosing a mentor. No station indicated gender as a factor taken into account when selecting a mentor.

Table 3a shows the presence of the policies mentioned above in different stations.

Table 3a <i>Organisational policies</i>							
	Maternity Leave No of employee	Paternity Leave No of employee	Flexible Working Hours	Working from Home	Child- Minding facilities	Other family friendly policies	Mentoring Scheme
XFM	-	1		✓			
Campus	-	-			✓		
Smash	-	-					
Radio	-	-					
Capital	1	-	✓	✓			
Radju	-	-	✓				
Marija	-	-	✓	✓			✓
RTK	-	-	✓	✓			
Bay Radio	-	-					
Radio 1-1	-	-	✓				✓
Radju Malta	1	-				Special leave	✓
Radju Parlament	1	-				Special leave	✓
TVM	1	-				Special leave	✓
Smash TV	-	-					
Net TV	3	-	✓	✓			✓
Education22	-	-	✓				
Total	7	1	6	4	1	3	6

### Training.

4 stations replied that they provide training for employees during working hours only, 1 station gives training during working hours and evenings and one station stated that training takes place during the evenings only. Five stations did not answer. For the other three stations, training takes place depending on the case.



**Ante-natal medical appointments.**

When asked if pregnant employees are entitled to ante-natal medical appointments without loss of pay, 5 stations answered yes, 5 stations answered no, and 4 stations did not give any information.

**Sexual harassment policy.**

Six stations stated that they have a sexual harassment policy, while eight stations claimed they do not have one. Only one female working for XFM has benefited from this policy. Gender equality training is provided for employees working in 7 media stations out of the 14 stations interviewed.

**Disability.**

There is one male employee working for TVM, one male employee working for Radju Malta and one male employee working for Radju Parlament that are registered as disabled.

Table 3b <i>Organisational policies continued</i>							
	Availability of Training	Ante- natal leave	Sexual Harassment Policy	Gender Equality Training	Female workers increased	Female workers decreased	Female workers remained the same
XFM	N/A		✓		✓		
Campus	✓	N/A	✓			✓	
Smash	N/A				N/A		
Radio							
Capital	N/A	✓	✓		N/A		
Radju	N/A	N/A	N/A	N/A	N/A		
Marija	✓		✓	✓			✓
RTK							
Bay Radio	✓				✓		
Radio 101	✓	N/A	✓	✓			✓
Radju	✓	✓		✓		✓	
Malta							
Radju	✓	✓		✓		✓	
Parlament	✓	✓		✓		✓	
TVM	✓	✓		✓		✓	
Smash Tv	N/A				N/A		
Net TV	✓	✓		✓	✓		
Education	✓	N/A	✓	✓	✓		
22							
Total	9	5	6	7	4	4	2

**Composition of workforce.**

To the question how has the composition of workforce changed in the last 3 years, 4 stations stated that the number of female workers has increased, 4 stations stated that the number of females decreased while two stations reported that the number of females has remained the same. Four stations did not reply to this question.

**Future plans.**

To the question, what plans exist in order to bridge the gap between the number of males and number of females in your organisation, 11 stations did not indicate any plans. Net TV plans to provide more training programmes, flexible working hours and the possibility of working from home, Capital Radio highlighted employing more female presenters, while RTK stated that employees are chosen on the basis of their ability to do the job.



## CONCLUSIONS AND RECOMMENDATIONS

- ✓ With regard to gender, the composition of workforce has changed little in the last 3 years. The Broadcasting industry is still largely dominated by males (75% vs. 25%).
- ✓ The only station where women are predominant is Education22 (57% of all employees are female).
- ✓ Female employees are concentrated in Clerical departments (40% males vs. 60% females).
- ✓ Generally, people employed in the same position within the same organization have similar pay.
- ✓ Female employees are generally younger than male employees.
- ✓ As far as education is concerned, females with a university degree outnumber males.
- ✓ Training is equally provided for males and females.
- ✓ Both genders have an equal chance to be employed in positions they apply for. Yet the majority of females have applied for receptionist/clerical positions in the past three years.
- ✓ Males tend to get promoted as a result of seniority, while females tend to get promotions for showing potential.
- ✓ Future research should rely on telephone interviews as the response rate is much higher than for mailed questionnaires.
- ✓ It is a good idea to keep the questionnaire short, as for some organisations its completion was time consuming and they did not manage to return it on time.
- ✓ Data for employees' age and wages was very difficult to collect and analyse. If age is to be correlated with wages, employees should be asked to provide such information.



## APPENDIX A: Questionnaire 2005

### FOR OFFICE USE ONLY

NAME OF THE ORGANIZATION \_\_\_\_\_  
 INTERVIEWER(S) \_\_\_\_\_  
 CONTACT PERSON \_\_\_\_\_  
 PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
 E-MAIL \_\_\_\_\_  
 DATE(S) \_\_\_\_\_ TIME(S) \_\_\_\_\_  
 COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### Section A: breakdown of employees by

#### A1. Nationality and type

- a) Full-time
- |                                    |                           |
|------------------------------------|---------------------------|
| 1. Maltese                         | Males _____ Females _____ |
| 2. "Foreigners" (EU nationals)     | Males _____ Females _____ |
| 3. "Foreigners" (Non-EU nationals) | Males _____ Females _____ |
- b) Part-time
- |                                    |                           |
|------------------------------------|---------------------------|
| 4. Maltese                         | Males _____ Females _____ |
| 5. "Foreigners" (EU nationals)     | Males _____ Females _____ |
| 6. "Foreigners" (Non-EU nationals) | Males _____ Females _____ |
- c) Outside contributors Males \_\_\_\_\_ Females \_\_\_\_\_  
 d) Total number of employees Males \_\_\_\_\_ Females \_\_\_\_\_

#### A2. Position, age and wage

Please indicate how many male and female workers currently occupy the specified positions in the spaces provided. Using the codes in the tables below, please specify the age and wage of every employee in the category.

NB. THE FOLLOWING INFORMATION SHOULD BE PROVIDED FOR FULL-TIME EMPLOYEES ONLY.

Wages schedule			
Under LM3000	1	LM5000 – LM6000	5
LM3000 – LM3500	2	LM6000 – LM7000	6
LM3500 – LM4000	3	LM7000 – M10,000	7
LM4000 – LM5000	4	LM10,000 or higher	8

Age codes			
16 – 20	A	41 – 50	D
21 – 30	B	51 – 60	E
31 – 40	C	61 +	F





#### a) Administration

- |                                  |                         |
|----------------------------------|-------------------------|
| ▪ Chief Executive Officer        | Male_____ Females_____  |
| ▪ Board of Directors             | Males_____ Females_____ |
| ▪ Managing Director/s            | Males_____ Females_____ |
| ▪ Financial Control Executives   | Males_____ Females_____ |
| ▪ Head of News                   | Males_____ Females_____ |
| ▪ Head of Programs               | Males_____ Females_____ |
| ▪ Program of Scheduling Officers | Males_____ Females_____ |
| ▪ Others (please specify)        |                         |
| _____                            | Males_____ Females_____ |

#### b) Production

- |                            |                         |
|----------------------------|-------------------------|
| ▪ Producers                | Males_____ Females_____ |
| ▪ Newscasters              | Males_____ Females_____ |
| ▪ Sports Commentators      | Males_____ Females_____ |
| ▪ Disc Jockeys/ Presenters | Males_____ Females_____ |
| ▪ Graphic Artists          | Males_____ Females_____ |
| ▪ Make- up Artists         | Males_____ Females_____ |
| ▪ Others (please specify)  |                         |
| _____                      | Males_____ Females_____ |

#### c) Technical

- |                                |                         |
|--------------------------------|-------------------------|
| ▪ Head of Technical Department | Male_____ Females_____  |
| ▪ Technical Officers Director  | Male_____ Females_____  |
| ▪ Camera Operators             | Males_____ Females_____ |
| ▪ Audio Operators              | Males_____ Females_____ |
| ▪ Video editors                | Males_____ Females_____ |
| ▪ Others (please specify)      |                         |
| _____                          | Males_____ Females_____ |

#### d) Sales

- |                           |                         |
|---------------------------|-------------------------|
| ▪ Head of Sales           | Male_____ Female_____   |
| ▪ Sales people            | Males_____ Females_____ |
| ▪ Others (please specify) |                         |
| _____                     | Males_____ Females_____ |



### e) Clerical & Receptionists

- |                            |                         |
|----------------------------|-------------------------|
| ▪ Wage Clerks              | Males_____ Females_____ |
| ▪ Accounts clerks          | Males_____ Females_____ |
| ▪ Others ( please specify) |                         |
| _____                      | Males_____ Females_____ |

### f) Ancillary

- |                           |                         |
|---------------------------|-------------------------|
| ▪ Handypersons            | Males_____ Females_____ |
| ▪ Janitors                | Males_____ Females_____ |
| ▪ Security                | Males_____ Females_____ |
| ▪ Others (please specify) |                         |
| _____                     | Males_____ Females_____ |

## A3. Education

How many employees are educated to a maximum level of...

- |                             |                         |
|-----------------------------|-------------------------|
| ▪ a university degree?      | Males_____ Females_____ |
| ▪ post-secondary education? | Males_____ Females_____ |
| ▪ secondary education?      | Males_____ Females_____ |
| ▪ Other (please specify)    |                         |
| _____                       | Males_____ Females_____ |

## A4. Training

a) How many people received induction training between 2002 and 2005?

Males\_\_\_\_\_ Females\_\_\_\_\_

b) How many people are currently receiving training while working?

Males\_\_\_\_\_ Females\_\_\_\_\_

And which positions is the training provided for?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c) How many people have received training for executive and leader positions since 2002 up till now?

Males\_\_\_\_\_ Females\_\_\_\_\_





### A5. Recruitment

- a) How many positions were open in the last 3 years? \_\_\_\_\_
- b) Please specify the positions and the number of applicants

Positions	N° Applied	N° employed
_____	M_____ F_____	M_____ F_____
_____	M_____ F_____	M_____ F_____

### A6. Promotion

- a) How many employees have got one or more promotions in the last 3 years?  
Males\_\_\_\_\_ Females\_\_\_\_\_
- b) Please specify the previous and the new positions
- Males
- \_\_\_\_\_ → \_\_\_\_\_
- \_\_\_\_\_ → \_\_\_\_\_
- Females
- \_\_\_\_\_ → \_\_\_\_\_
- \_\_\_\_\_ → \_\_\_\_\_
- c) What were the reasons for promotion?
- Further education/training Males\_\_\_\_\_ Females\_\_\_\_\_
  - Seniority Males\_\_\_\_\_ Females\_\_\_\_\_
  - Other (Please specify) \_\_\_\_\_ Males\_\_\_\_\_ Females\_\_\_\_\_

### A7. Turnover & reasons for leaving

- a) How many people have left the company in the last 3 years?  
Males\_\_\_\_\_ Females\_\_\_\_\_
- b) What were the reasons for leaving?
- Moving to another job in broadcasting Males\_\_\_\_\_ Females\_\_\_\_\_
  - Moving to another job outside broadcasting Males\_\_\_\_\_ Females\_\_\_\_\_
  - Leaving to care for children Males\_\_\_\_\_ Females\_\_\_\_\_
  - Leaving to care for elderly parents Males\_\_\_\_\_ Females\_\_\_\_\_
  - Other (please specify) \_\_\_\_\_ Males\_\_\_\_\_ Females\_\_\_\_\_

### Section B: Organizational policies

- How many people have benefited from maternity leave in the last 3 years?  
\_\_\_\_\_
- How many people have benefited from paternity leave in the last 3 years?  
\_\_\_\_\_

3. What family-friendly policies exist in your organization?
- |                                  |     |    |
|----------------------------------|-----|----|
| Flexible working hours           | YES | NO |
| Possibility of working from home | YES | NO |
| Child-minding facilities         | YES | NO |
| Other (please specify) _____     |     |    |
4. Is there a mentoring scheme in your organization? YES NO
- If yes, how many people have participated in it in the last 3 years?
- Males \_\_\_\_\_ Females \_\_\_\_\_
- What considerations are taken into account when choosing a mentor for an employee?
- Position in the organization
- Work experience
- Gender
- Other (please specify) \_\_\_\_\_
5. If training takes place, when does it happen?
- Working hours
- Evenings
- Weekends
- Other (please specify) \_\_\_\_\_
6. Are pregnant employees entitled to ante-natal medical appointments without loss of pay? YES NO
7. Is there a Sexual Harassment Policy? YES NO
- If yes, has anyone benefited from it? Males \_\_\_\_\_ Females \_\_\_\_\_
8. Is gender equality training provided regularly for staff? YES NO
9. How has composition of workforce changed over the last 3 year?
- Female workers number increased
- Female workers number decrease
- Female workers number remained the same
10. What plans, if any, exist in order to bridge the gap between the number of male and female employees in your organization?
11. How many employees are registered disabled? Males \_\_\_\_\_ Females \_\_\_\_\_





# BROADCASTING AUTHORITY REPORT AND FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 DECEMBER 2005

## INDEX

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192	Statement of the Authority's Responsibilities
193	Auditors' Report
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195	Balance Sheet
196	Statement of Changes in Equity
197	Cash Flow Statement
198–206	Notes to the Financial Statements



## STATEMENT OF THE AUTHORITY'S RESPONSIBILITIES

The Broadcasting Act, 1991 requires the Authority to prepare financial statements for each financial period which give a true and fair view of its state of affairs at the end of the financial period and of its surplus or deficit for that period.

In preparing the financial statements, the Authority is required to:-

- adopt the going concern basis, unless it is inappropriate to presume that the Authority will continue in business;
- select suitable accounting policies and apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- account for income and charges relative to the accounting period on the accruals basis;
- value separately the components of asset and liability items; and
- report comparative figures corresponding to those of the preceding accounting period.

The Authority is responsible for keeping proper accounting records which disclose with reasonable accuracy, at any time, its financial position and to enable it to ensure that the financial statements comply with the relevant legislation. The Authority is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.





## AUDITORS' REPORT TO THE MEMBERS

We have audited the financial statements set out on pages 194 to 202. As described on page 192, these financial statements are the responsibility of the Authority's members. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with International Standards on Auditing, issued by the International Auditing and Assurance Standards Board. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by the members, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion on the financial statements.

In our opinion, the financial statements give a true and fair view of the state of affairs of the company as at 31 December 2005 and of its results, changes in equity and cash flows for the year then ended in accordance with the requirements of International Financial Reporting Standards and have been properly prepared in accordance with the Broadcasting Act, 1991.

*This copy of the audit report has been signed by  
John Abela (Partner) for and on behalf of*

**HORWATH (MALTA)**  
Accountants & Auditors  
La Provvida  
Karm Zerafa Street  
Birkirkara

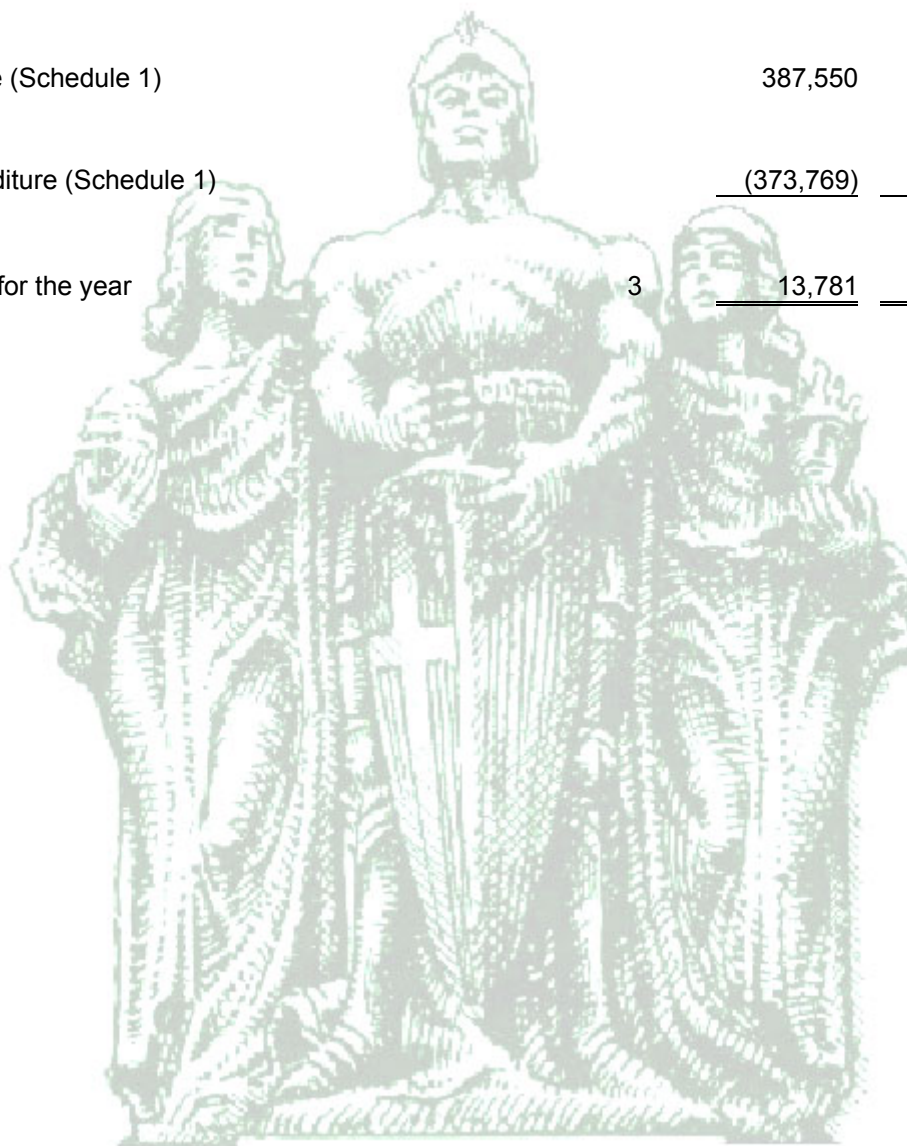
7 March 2005





**INCOME AND EXPENDITURE ACCOUNT**  
**YEAR ENDED 31 DECEMBER 2005**

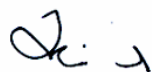
	<b>Note</b>	<b>2005 Lm</b>	<b>2004 Lm</b>
Income (Schedule 1)		387,550	370,031
Expenditure (Schedule 1)		<u>(373,769)</u>	<u>(433,533)</u>
Deficit for the year	3	<u>13,781</u>	<u>(63,502)</u>



## BALANCE SHEET AS AT 31 DECEMBER 2005

	Note	2005 Lm	2004 Lm
<b>ASSETS</b>			
<b>Non-current assets</b>			
Tangible assets	4	921,751	949,650
<b>Current Assets</b>			
Receivables	5	38,541	36,737
Cash at bank and in hand		225,255	192,106
		263,796	228,843
<b>Total Assets</b>		<b>1,185,547</b>	<b>1,178,493</b>
<b>CAPITAL AND LIABILITIES</b>			
<b>Capital and Reserves</b>			
Capital fund	6	1,104,476	1,104,476
Reserve Fund	6	16,000	16,000
Revaluation reserve	7	126,085	126,085
Accumulated reserve		(125,859)	(139,640)
		1,120,702	1,106,921
<b>Current liabilities</b>			
Payables	8	64,845	71,572
<b>Total Capital and Liabilities</b>		<b>1,185,547</b>	<b>1,178,493</b>

The financial statements on pages 195 to 202 were approved by the members on 7<sup>th</sup> March 2006 and were signed on its behalf by:



Mr. Joseph Scicluna  
Chairman



Dr. Kevin Aquilina  
Chief Executive



**STATEMENT OF CHANGES IN EQUITY**  
**AS AT 31 DECEMBER 2005**

	<b>Total Lm</b>	<b>Capital Fund Lm</b>	<b>Revaluation Reserve Lm</b>	<b>Reserve Fund Lm</b>	<b>Accumulated Reserve Lm</b>
Balance at 01 January 2004	1,170,423	1,104,476	126,085	16,000	(76,138)
Deficit for the year	<u>(63,502)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(63,502)</u>
Balance at 31 December 2004	<u>1,106,921</u>	<u>1,104,476</u>	<u>126,085</u>	<u>16,000</u>	<u>(139,640)</u>
Balance at 01 January 2005	1,106,921	1,104,476	126,085	16,000	(139,640)
Surplus for the year	<u>13,781</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>13,781</u>
	<u>1,120,702</u>	<u>1,104,476</u>	<u>126,085</u>	<u>16,000</u>	<u>(125,859)</u>





**CASH FLOW STATEMENT**  
**YEAR ENDED 31 DECEMBER 2005**

	Note	2005 Lm	2004 Lm
<b>Cash flows from operating activities</b>			
Surplus/(Deficit) for the year		13,781	(63,502)
<i>Adjustment for:</i>			
(Profit)/Loss on disposal of tangible fixed assets		(1,242)	73
Depreciation		45,591	60,024
Bank interest receivable		<u>(5,035)</u>	<u>(4,735)</u>
Operating surplus/(deficit) before working capital changes		53,095	(8,140)
(Increase)/Decrease in receivables		(1,804)	21,334
Decrease in payables		<u>(6,707)</u>	<u>(15,151)</u>
Cash generated from/(used in) operations		44,584	(1,957)
Bank interest received		<u>5,015</u>	<u>4,527</u>
<b>Net cash from operating activities</b>		49,599	<u>2,570</u>
<b>Cash flows used in investing activities</b>			
Proceeds from sale of fixed assets		1,986	-
Payments to acquire fixed assets		<u>(18,436)</u>	<u>(7,937)</u>
<b>Net cash from/(used in) investing activities</b>		<u>(16,450)</u>	<u>(7,937)</u>
<b>Net movement in cash and cash equivalents</b>		33,149	(5,367)
<b>Cash and cash equivalents at beginning of year</b>		<u>192,106</u>	<u>197,473</u>
<b>Cash and cash equivalents at end of year</b>	11	<u>225,255</u>	<u>192,106</u>



## NOTES TO THE FINANCIAL STATEMENTS

YEAR ENDED 31 DECEMBER 2005

### 1 Basis of Preparation

The financial statements have been prepared in accordance with the requirements of International Financial Reporting Standards promulgated by the International Accounting Standards Board and in compliance with the provisions of the Broadcasting Act, 1991.

### 2 Significant Accounting Policies

The significant accounting policies adopted in the preparation of these financial statements are set out below. These accounting policies have been consistently applied by the Authority and are consistent with those adopted during the previous year.

#### (a) Tangible Fixed Assets

Tangible fixed assets are stated at cost less accumulated depreciation. Depreciation is calculated to write down the value of tangible fixed assets less any anticipated residual value over their estimated useful lives. A charge equivalent to a full year's depreciation is provided during the year in which the asset is first brought into use, while no depreciation is charged during the year the asset is disposed of or scrapped.

Expenditure on repairs or maintenance of tangible fixed assets made to restore or maintain future economic benefits expected from the asset is recognised as an expense when incurred.

Depreciation is provided using the straight line method at the following rates:

	%
Buildings	1
Motor vehicles	20
Studio equipment	20
Fixtures, fittings and equipment	10/20
Technical equipment	25
Transmitting antenna	4/12

No depreciation is provided on freehold land.

#### (b) Revenue Recognition

Income from Government is recognized on a receipt basis.

Income from licences and application fees is recognized on an accruals basis.

Income from Master Antenna fees and rental fees is recognized on an accruals basis.

Interest income from investments is accrued on a time basis, by reference to the principal outstanding and at the interest rate applicable.



## 2. Significant Accounting Policies (continued)

### (c) Impairment

At each balance sheet date the Authority reviews the carrying amounts of its assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the assets is estimated in order to determine the extent of the impairment loss (if any).

If the recoverable amount of an asset is estimated to be less than its carrying amount, the carrying amount of the asset is reduced to its recoverable amount. Impairment losses are recognized as an expense immediately.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognized for the asset in prior years. A reversal of an impairment loss is recognized as income immediately.

### (d) Financial Instruments

Financial assets and financial liabilities are recognized on the Authority's balance sheet when the Authority has become party to the contractual provisions of the instruments.

#### *Debtors*

Debtors are stated at their nominal value as reduced by appropriate allowances for estimated irrecoverable amounts.

#### *Creditors*

Creditors are stated at their nominal value.

### (e) Cash and Cash Equivalents

Cash and cash equivalents comprise cash in hand, fixed and demand deposits.

## 3 Deficit

Deficit for the year has been stated after charging:

	2005 Lm	2004 Lm
Depreciation	45,591	60,024
Auditors' remuneration	<u>590</u>	<u>590</u>





**NOTES TO THE FINANCIAL STATEMENTS**  
**YEAR ENDED 31 DECEMBER 2005**

<b>Cost</b>	<b>Freehold Land</b> Lm	<b>Building &amp; Improvements</b> Lm	<b>Fixtures &amp; Fittings &amp; Equipment</b> Lm	<b>Technical Equipment</b> Lm	<b>Studio Equipment</b> Lm	<b>Motor Vehicles</b> Lm	<b>Transmitting Antenna</b> Lm	<b>Total</b> Lm
At 01 January 2005	68,804	796,657	208,342	53,327	78,603	23,760	210,237	1,439,730
Additions	-	-	5,269	569	4,883	-	7,715	18,436
Disposals	-	-	(1,143)	(1,155)	(3,389)	-	-	(5,687)
At 31 December 2005	68,804	796,657	212,468	52,741	80,097	23,760	217,952	1,452,479
<b>Depreciation</b>								
At 01 January 2005	-	73,111	174,319	51,519	73,786	23,759	93,586	490,080
Charge for year	-	7,967	19,035	1,098	3,385	-	14,106	45,591
Released on disposal	-	-	(685)	(869)	(3,389)	-	-	(4,943)
At 31 December 2005	-	81,078	192,669	51,748	73,782	23,759	107,692	530,728
<b>Net Book Value</b>								
At 31 December 2005	68,804	715,579	19,799	993	6,315	1	110,260	921,751
At 31 December 2004	68,804	723,546	34,023	1,808	4,817	1	116,651	949,650



## NOTES TO THE FINANCIAL STATEMENTS

31 DECEMBER 2005

### 4 Tangible Assets (continued)

- i) Land and buildings at Gharghur were revalued on the basis of an open market valuation for existing use on 25 March 1991 by professional civil engineers & consultants.

The transmitting antenna at Gharghur was revalued on the basis of an open market valuation for existing use on 28 August 1991 by a professional architect and civil engineer.

If the above assets had not been revalued they would have been included in the financial statements at the following cost:

	2005 Lm	2004 Lm
Gharghur land, buildings and transmitting antenna	655	655

- ii) Fully depreciated fixed assets still in use at the balance sheet date amounted to:

	2005 Lm	2004 Lm
Motor vehicles	23,760	23,759
Fixtures, fittings and equipment	154,071	101,569
Studio equipment	63,168	66,558
Technical equipment	50,106	48,346
	291,105	240,232

### 5 Receivables

	2005 Lm	2004 Lm
Licences receivable	26,000	27,000
Other debtors	10,970	8,214
Prepayments and accrued income	1,571	1,523
	38,541	36,737

### 6 Capital Fund and Reserve Fund

These funds have been set up in accordance with Section 26 of the Broadcasting Act, 1991.

### 7 Revaluation Reserve

The revaluation reserve has arisen from a valuation carried out on fixed assets in 1991.



## NOTES TO THE FINANCIAL STATEMENTS

31 DECEMBER 2005

### 8 Payables

	2005 Lm	2004 Lm
Capital creditors	18,064	22,579
Other creditors	1,380	1,700
Accruals and deferred income	45,401	47,293
	<u>64,845</u>	<u>71,572</u>

### 9 Commitments

	2005 Lm	2004 Lm
Capital expenditure contracted but not provided for in the financial statements	-	4,010

### 10 Financial Instruments

Financial assets include debtors and cash held at bank and in hand. Financial liabilities include creditors. At 31 December 2005, the Authority had no unrecognised financial instruments.

#### Risk management policies

- (a) Credit risk on amounts receivable is limited through the systematic monitoring of outstanding balances and the presentation of debtors net of allowances for doubtful debts, where applicable. Cash is placed with reputable banks.
- (b) Liquidity risk is limited as the Authority has sufficient funding resources and the ability to raise finance to meet its financial obligations as these arise.

#### Fair Values

At 31 December 2005, the fair values of financial assets and liabilities were not materially different from their carrying amounts.

### 11 Cash and Cash Equivalents

Cash and cash equivalents included in the cash flow statement comprise:

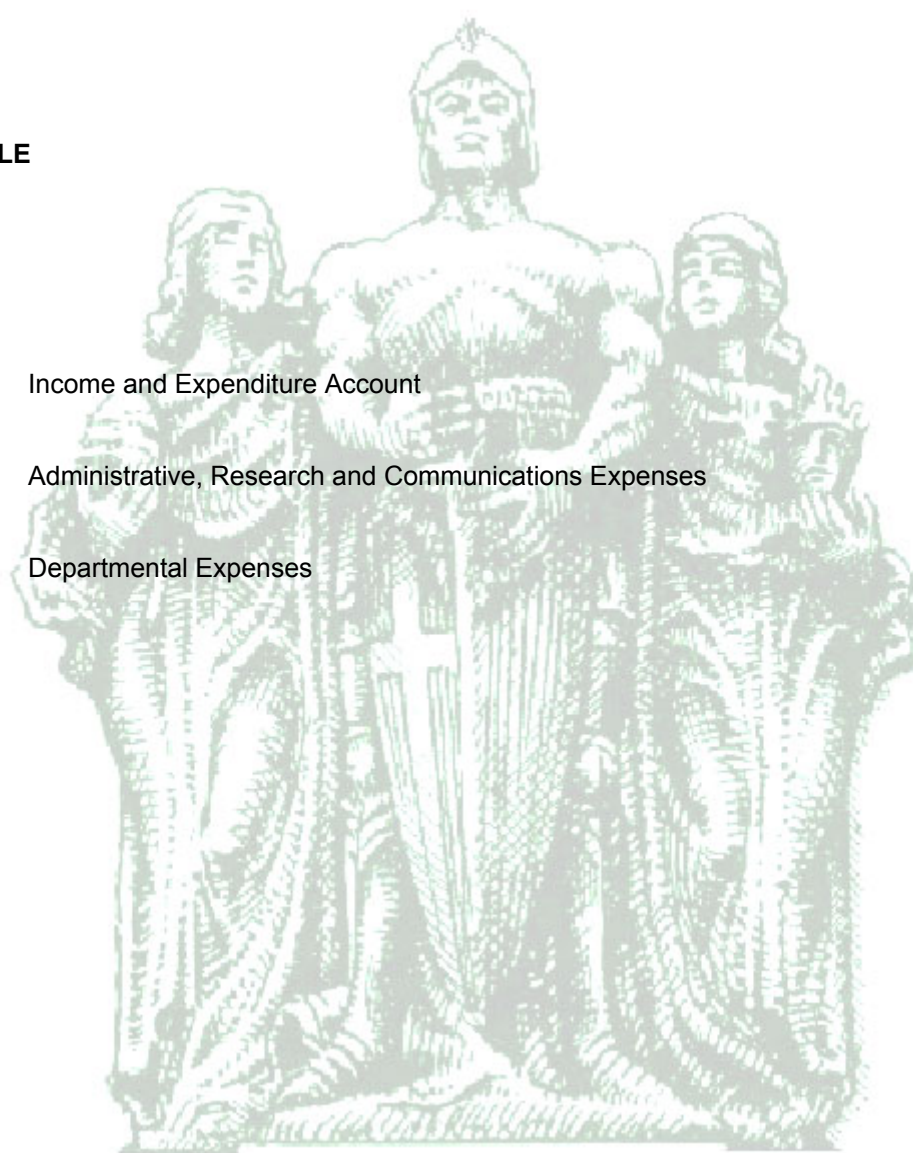
	2004 Lm	2003 Lm
Cash at bank and in hand	<u>225,255</u>	<u>192,106</u>



**SCHEDULES TO THE INCOME AND EXPENDITURE ACCOUNT  
2005**

**SCHEDULE**

1. Income and Expenditure Account
2. Administrative, Research and Communications Expenses
3. Departmental Expenses





**INCOME AND EXPENDITURE ACCOUNT**  
**YEAR ENDED 31 DECEMBER 2005**

**SCHEDULE 1**

	<b>2005</b>	<b>2004</b>
	<b>Lm</b>	<b>Lm</b>
<b>Income</b>		
Government contributions	260,000	250,000
Application fees	2,050	1,550
Licences	72,950	72,150
Other income	14,200	12,981
Rental fees receivable	12,350	7,350
Master Antenna facilities fees	26,000	26,000
	<u>387,550</u>	<u>370,031</u>
<b>Expenditure</b>		
Technical assistance	2,530	13,250
Administrative (schedule 2)	238,375	263,841
Research and communications (schedule 2)	13,979	27,577
Production (schedule 3)	3,800	4,917
Monitoring (schedule 3)	92,170	96,401
Technical (schedule 3)	22,915	27,547
	<u>373,769</u>	<u>433,533</u>



# INCOME AND EXPENDITURE ACCOUNT

YEAR ENDED 31 DECEMBER 2005

## SCHEDULE 2

	2005 Lm	2004 Lm
<b>Administrative Expenses</b>		
Members' honoraria	23,070	23,472
Legal advisor's honoraria	2,500	2,500
Salaries	106,083	98,705
Staff training	921	2,147
Telecommunications	5,719	7,775
Water and electricity	6,464	5,292
Insurance	3,091	2,750
Ground rent	-	6
Stationery	3,583	2,926
Subscriptions and publications	1,271	1,709
International organisations membership fees	3,179	3,130
Repairs and maintenance	7,183	8,058
IT maintenance and support	1,644	11,418
Duty visits abroad	3,578	3,787
Transport	3,770	2,609
Rentals of radio & TV sets	2,374	1,642
Staff health scheme	3,788	3,929
Sundry expenses	3,581	3,617
Auditors' remuneration	590	590
Legal and professional fees	1,687	1,859
Gharghur site running costs	14,433	14,314
Profit/Loss on disposal of tangible fixed assets	(1,242)	73
Bad debts write off	-	11,421
Depreciation	41,108	50,112
	<u>238,375</u>	<u>263,841</u>

## Research and Communications Expenses

Wages and salaries	10,150	16,015
Audience and qualitative research study	153	9,594
Seminars and conferences	1,333	440
Public relations	932	761
BA reports and publications	76	216
Advertising	355	551
Broadcasters' Maltese language support	980	-
	<u>13,979</u>	<u>27,577</u>



**INCOME AND EXPENDITURE ACCOUNT**  
**YEAR ENDED 31 DECEMBER 2005**

**SCHEDULE 3**

	<b>2005</b>	<b>2004</b>
	<b>Lm</b>	<b>Lm</b>
<b>Production Department</b>		
TV political and EU broadcasts	371	-
Production of documentaries	-	435
Sundry Expenses	-	175
Depreciation	<u>3,429</u>	<u>4,307</u>
	<u>3,800</u>	<u>4,917</u>
<b>Monitoring Department</b>		
Wages and salaries	90,826	90,982
Purchase of audio tapes	211	301
Staff training	70	119
Repairs and maintenance	8	-
Depreciation	<u>1,055</u>	<u>4,999</u>
	<u>92,170</u>	<u>96,401</u>
<b>Technical Department</b>		
Wages and salaries	9,345	9,365
Repairs and maintenance	13,548	17,576
Sundry expenses	22	-
Depreciation	<u>-</u>	<u>606</u>
	<u>22,915</u>	<u>27,547</u>

