

News

From freedom the obligation

■ Kevin Schembri Orland

Society needs to change the way in which it views journalists, from the mindset where they are seen as having the right to speak, to one where society also ensures that a journalist's obligation to publish information he or she has acquired as a result of investigation is protected, according to Nationalist Party MP and Spokesperson for the Media, Culture and the National Identity Therese Comodini Cachia.

A journalist's first and foremost duty is to act as the fourth estate, to hold those in power to account

and to keep the public informed, she said. It is not enough to merely report what those in positions of power say, as a journalist must question and investigate, must see whether their actions supplement or contradict their statements. This is the role of any true journalist.

In an interview with Therese Comodini Cachia last Thursday, conducted by The Malta Independent on Sunday, society's views on journalists were discussed and her views on the media situation in Malta were sought.

Comodini Cachia highlighted the need to give journalists the

necessary legal tools to uphold the obligation to publish information. "We are used to looking at journalists from the aspect of freedom of expression, having the right to speak," she said. "But the way European society has developed, and with the murder of Daphne Caruana Galizia, the focus should not only be on the journalist's right to speak, but on ensuring that the journalist's obligation to publish information that he or she has investigated is protected. Because it is about time that we really provide for an effective implementation of this obligation, of that responsibility and we must

give journalists the legal tools necessary to do so."

"It is very silly to have a Freedom of Information Act and then refuse 40 per cent of those requests. This percentage itself goes directly against the scope, against the journalist's right to speak and – more so – against the journalist's obligation to publish the information or to investigate. I would like to see legal protection and policies changed from saying that a journalist has a right to speak to a mind-set which recognises that a journalist has a responsibility to investigate and publish."

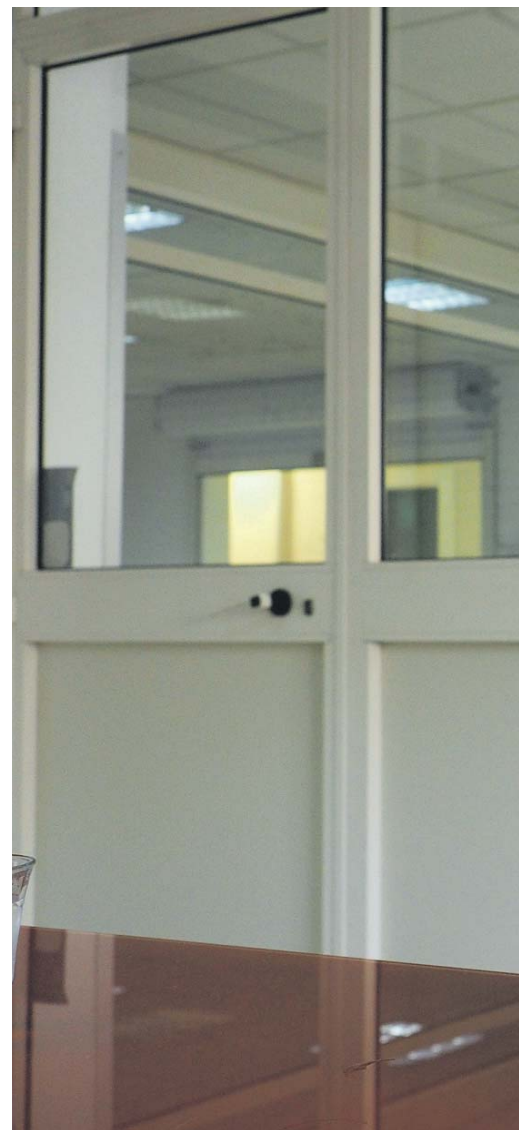
Asked for her views on the media situation in Malta, Comodini Cachia said that, first and foremost, many Maltese journalists strive to have an independent opinion and an objective narration of facts. She also feels that politicians are somewhat over-sensitive when it comes to libel cases, which is irritating for a journalist. "I'm not saying that those libel cases should not be presented, but we do tend to be a bit over-sensitive, maybe because our society might be geared that way, possibly believing what one journalist would say over another. Even in the media, we still tend to get the blue and red flags shoved around."

She brought up international reports regarding Malta and the media which, she said "continue to show concerns. What is worrying is that, while we are amending the Media and Defamation Bill, they are amendments that give traditional protection and not even protection to the journalists themselves. For example, we have always had libel laws and they will remain there, nothing much will change in terms of how they are meant to work." She mentioned that the government is proposing the concept of honest opinion. "I know how the concept works in the UK but it is not necessarily exactly what our journalists in Malta are used to, so I am not that satisfied with changing the defence for journalists in that sense."

"And there is another aspect, the protection of journalists themselves. The only really direct protection in the bill is the protection of sources. But we speak about this when we have the Whistleblowers Act, which is applied according to the government's whim."

During her speech in Parliament regarding the Media and Defamation Bill, Comodini Cachia made a number of proposals. One is that the government should provide guidelines to each public official as to how they should deal with the media and questions asked.

"We should have guidelines which people in the public service should follow. Going back to the



Freedom of Information Act, there should be clear guidelines which are of restrictive application when it comes to the refusal of said requests. We shouldn't use issues of commercial sensitivity or national security broadly. The person making that decision should have a set of guidelines to which all directors making the same decisions abide, rather than everyone deciding according to their own whim.

"There was a news item recently stating that Tourism Minister Konrad Mizzi had left a press conference when questions on the Panama Papers arose. You don't leave a press conference just because a question you don't like comes up. You answer or say you don't want to answer. You don't end things like that."

We need to send a clear message: you do not harass a journalist

Another one of her proposals is to make it a specific offence for a public official to threaten, intimidate or attempt to unjustly influence a journalist. Asked to elaborate, she said: "Because of the culture we are in, and I believe

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