

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,860, 17 ta' Mejju, 2022

Taqsimha C

Nru 4

17. 05. 2022

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja, u moqri għall-Ewwel darba fis-Seduta tas-16 ta' Mejju 2022.

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice, and read the First time at the Sitting of the 16th May 2022.

ATT li jemenda l-Kodiċi Kriminali, Kap. 9.

AN ACT to amend the Criminal Code, Cap. 9.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT li jemenda l-Kodiċi Kriminali, Kap. 9.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2022 li jemenda l-Kodiċi Kriminali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed f'dan l-Att imsejjaħ "il-Kodiċi".

Titolu fil-qosor
u bidu fis-seħh.

Kap. 9.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' jstabbilixxi b'avviż fil-Gazzetta, u jistgħu jigu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. Minnufiħ wara l-artikolu 211 tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

Żieda ta'
artikolu ġdid fil-
Kodiċi.

"Femicidju.

211A. Fl-għoti tas-sentenza lil persuna tal-ġeneru maskili misjuba haġta tal-omicidju volontarju jew ta' attentat ta' omicidju volontarju ta' persuna tal-ġeneru femminili l-qorti għandha, meta tkun qiegħda tistabbilixxi l-piena, taġhti konsiderazzjoni xierqa dwar jekk l-omicidju jew l-attentat ta' omicidju:

(a) irriżultax minn vjolenza ta' sieheb intimu li miegħu l-vittma kienet jew għadha f'relazzjoni jew li tiegħu l-vittma hija jew kienet il-konjuġi; jew

(b) kienx ir-riżultat ta' vjolenza minn membru jew membri tal-familja; jew

(c) twettaqx għal għanijiet misoġini; jew

(d) twettaqx għal raġunijiet ta' unur tal-eżekutor, jew tar-reputazzjoni tal-familja, jew għal raġunijiet relatati ma' twemmin jew prattiċi reliġjużi jew ta' kult; jew

(e) twettaqx minħabba raġunijiet bażati fuq il-ġeneru, jew l-identità tal-ġeneru, jew is-sess jew l-orjentazzjoni sesswali tal-vittma; jew

(f) twettaqx bħala riżultat ta' vjolenza sesswali jew ta' atti ta' natura sesswali; jew

(g) twettaqx minħabba li l-vittma kienet involuta fil-prostituzzjoni, jew kienet soġġetta għal esplojtazzjoni sesswali jew kienet il-vittma ta' traffikar ta' persuni għal għanijiet ta' sfruttament sesswali,

u l-Qorti għandha tqis l-eżistenza ta' kull waħda miċ-ċirkostanzi kif imsemmi bħala fattur li jimmilita kontra l-għoti ta' piena mhux ħarxa."

Emenda tal-artikolu 212 tal-Kodiċi.

3. Fl-artikolu 212 tal-Kodiċi, il-kliem "tal-aħħar artikoli qabel dan" għandhom jiġu sostitwiti bil-kliem "tal-artikoli 211 u 211A".

Emenda tal-artikolu 227 tal-Kodiċi.

4. Fil-paragrafu li jinsab wara l-paragrafu (ċ) tal-artikolu 227 tal-Kodiċi, il-kliem "kapaċi li jqisu l-konsegwenzi tad-delitt." għandhom jiġu sostitwiti bil-kliem "kapaċi li jqisu l-konsegwenzi tad-delitt:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Izda omiċidju ma jkunx skużabbli taht dan il-paragrafu jekk ikun twettaq f'xi ċirkostanza msemmija fl-artikolu 211A."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma li l-Kodiċi Kriminali jipprovdi dwar il-piena għall-omiċidju volontarju u għal attentat ta' omiċidju volontarju meta dan ikun jammonta għal femiċidju jew attentat ta' femiċidju kif ukoll għall-esklużjoni tal-femiċidju milli jikkwalifika bħala omiċidju skużabbli abbazi ta' passjoni istantanea.

**A BILL
entitled**

AN ACT to amend the Criminal Code, Cap. 9.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. (1) The short title of this Act is the Criminal Code (Amendment) Act, 2022 and this Act shall be read and construed as one with the Criminal Code hereinafter in this Act referred to as "the Code".

Short title and commencement.
Cap. 9

(2) This Act shall come into force on such date as the Minister responsible for justice may, by notice in the Gazette, establish, and different dates may be so established for different provisions and purposes of the Act.

2. Immediately after article 211 of the Code there shall be added the following new article:

Addition of new article to the Code.

"Femicide.

211A. In sentencing a person of the male gender convicted of the wilful homicide or of the attempted wilful homicide of a person of the female gender the court shall, in establishing the punishment, give due consideration to whether the homicide or attempted homicide:

(a) was the result of violence by an intimate partner with whom the victim was or is still in a relationship or whom the victim is the spouse or former spouse; or

(b) resulted from violence by a member or members of the family; or

(c) was committed for misogynist motives; or

(d) was committed for reasons of honour of the perpetrator, or of family reputation, or for reasons related to religious or cult belief or practices; or

(e) was committed due to motives based on the gender, or gender identity, or sex or sexual orientation of the victim; or

(f) was committed as a result of sexual violence or of acts of a sexual nature; or

(g) was committed due to the victim being involved in prostitution, or being subjected to sexual exploitation or being the victim of human trafficking for purposes of sexual exploitation,

and the court shall consider the existence of any of the said circumstances as a factor militating against leniency in punishment."

Amendment of article 212 of the Code.

3. In article 212 of the Code, the words "contained in the last preceding article" shall be substituted by the words "of articles 211 and 211A".

Amendment of article 227 of the Code.

4. In the paragraph immediately following paragraph (c) of article 227 of the Code, the words "on the consequences of the crime;" shall be substituted by the words "on the consequences of the crime:" and immediately thereafter there shall be added the following new proviso:

"Provided that a homicide shall not be excusable under this paragraph if it was committed in any of the circumstances mentioned in article 211A."

Objects and Reasons

The objects and reasons of this Bill are to make provision in the Criminal Code in respect of the punishment for wilful homicide or attempted wilful homicide when this amounts to femicide or attempted femicide and also for the elimination of femicide from qualifying as excusable homicide on the ground of sudden passion.

