

MALTA

ATT Nru. XIX ta' l-1991

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex jemenda l-Kostituzzjoni.

ACT No. XIX of 1991

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Constitution.

Naghti l-kunsens tieghi.

(L.S.)

ĊENSU TABONE
President

9 ta' Awissu, 1991

ATT Nru. XIX ta' l-1991

ATT biex jemenda l-Kostituzzjoni.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1991 li jemenda l-Kostituzzjoni, u għandu jinqara u jiftiehem haġa waħda mal-Kostituzzjoni ta' Malta, hawnhekk iżjed 'il quddiem imsejha "il-Kostituzzjoni".

Titolu
fil-qosor.

2. Minflok l-artikolu 14 tal-Kostituzzjoni għandu jidhlo l-artikolu li ġej:

Sostituzzjoni
ta' l-artikolu 14
tal-Kostituzzjoni.

"Drittijiet
ugwali ta'
rġiel u
nisa.

14. L-Istat għandu jippromwovi dritt ugwali ta' rġiel u nisa li jgawdu d-drittijiet ekonomiċi, soċjali, kulturali, ċivili u politiċi kollha u għal dan il-għan għandu jiehu dawk il-miżuri li jkunu ndikati biex jelimina kull forma ta' diskriminazzjoni bejn is-sessi, minn kull persuna, organizzazzjoni jew azzjenda; l-Istat għandu b'mod partikolari jimmira li jiżgura li l-haddiema nisa jgawdu drittijiet indaqs u l-istess pagi għall-istess xogħol bħal irġiel."

3. L-artikolu 45 tal-Kostituzzjoni għandu jiġi emendat kif ġej:

Emenda
ta' l-artikolu 45
tal-Kostituzzjoni.

(a) fis-subartikolu (3) tiegħu, minflok il-kliem "kullur jew fidi" għandhom jidhlu l-kliem "kullur, fidi jew sess";

(b) fis-subartikolu (4) tiegħu:

(i) minflok il-kliem "perjodu ta' emerġenza pubblika.", għandhom jidhlu l-kliem "perjodu ta' emerġenza pubblika";
u

(ii) minnufih fit-tarf tiegħu għandu jidhol li ġej:

"Iżda l-paragrafu (ċ) ta' dan is-subartikolu ma għandux japplika għal xi liġi li tagħmel xi dispożizzjoni li tkun diskriminatorja sew fiha nnifisha jew fl-effett tagħha, billi tagħti trattament differenti lil persuni differenti attribwibbli għal kollox jew prinċipalment għad-deskrizzjoni tagħhom skond is-sess.";

(ċ) minflok is-subartikolu (5) għandu jidhol li ġej:

"(5) Ebda haġa li jkun hemm f'xi liġi ma għandha titqies li tkun inkonsistenti ma' jew bi ksur tas-subartikolu (1) ta' dan l-artikolu sa fejn tippovdi:

(a) dwar kwalifiki għal servizz u kundizzjonijiet ta' servizz f'xi korp dixxiplinat; jew

(b) dwar kwalifiki (li ma jkunux kwalifiki li jirrigwardaw is-sess speċifikament) għal servizz bhala uffiċjal pubbliku jew għas-servizz ta' awtorità ta' gvern lokali jew għaqda korporata mwaqqfa għal skopijiet pubbliċi b'xi liġi.";

(d) fis-subartikolu (7) minnufih wara l-kliem "tagħmel provvediment" għandhom jidhlu l-kliem "(li ma jkunux provvedimenti li jirrigwardaw is-sess speċifikament)";

(e) minnufih wara s-subartikolu (9) għandu jżied li ġej:

"(10) Sa tmiem ta' perjodu ta' sentejn li jibda fl-1 ta' Lulju, 1991, ebda haġa li hemm f'xi liġi magħmula qabel l-1 ta' Lulju, 1991, ma titqies li tkun inkonsistenti mad-dispożizzjonijiet ta' dan l-artikolu, billi dik il-liġi tkun tippovdi għal trattament differenti lil persuni differenti attribwibbli għal kollox jew prinċipalment għad-deskrizzjoni tagħhom rispettiva skond is-sess.

(11) Ebda haġa fid-dispożizzjonijiet ta' dan l-artikolu ma għandha tghodd għal xi liġi, jew għal xi haġa magħmula taht l-awtorità ta' xi liġi, jew għal xi proċedura jew arrangament, sa fejn dik il-liġi, haġa magħmula, proċedura jew arrangament jipprovdu għat-tehid ta' miżuri speċjali bil-ghan li tiġi aċċellerata l-ugwaljanza *de facto* bejn irġiel u nisa, u sa fejn biss dawk il-miżuri, mehud kont tat-tessut soċjali ta' Malta, ikunu murija li huma raġjonevolment ġustifikati f'soċjetà demokratika."

4. Minflok il-kliem "Ebda haġa li hemm" fis-subartikolu (7) ta' l-artikolu 47 tal-Kostituzzjoni, għandhom jidhlu l-kliem "Sa tmiem ta' perijodu li jagħlaq fit-30 ta' Ġunju, 1993, ebda haġa li hemm".

Emenda
ta' l-artikolu 47
tal-Kostituzzjoni.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 555 tat-30 ta' Lulju, 1991.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Agent Skrivani tal-Kamra tad-Deputati.

I assent.

(L.S.)

ĊENSU TABONE
President

9th August, 1991

ACT No. XIX of 1991

AN ACT to amend the Constitution.

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:—

Short title.

1. This Act may be cited as the Constitution (Amendment) Act, 1991, and shall be read and construed as one with the Constitution of Malta, hereinafter referred to as “the Constitution”.

Substitution
of section 14
of the
Constitution.

2. For section 14 of the Constitution, there shall be substituted the following:

“Equal
rights
of men
and
women.

14. The State shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organisation or enterprise; the State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.”.

Amendment
of section 45
of the
Constitution.

3. Section 45 of the Constitution shall be amended as follows:

(a) in subsection (3) thereof for the words “colour or creed” there shall be substituted the words “colour, creed or sex”;

(b) in subsection (4) thereof:

(i) for the words “period of public emergency.”, there shall be substituted the words “period of public emergency;”;
and

(ii) immediately at the end thereof there shall be inserted the following:

“Provided that paragraph (c) of this subsection shall not apply to any law which makes any provision that is discriminatory, either of itself or in its effect by affording different treatment to different persons attributable wholly or mainly to their respective description by sex.”;

(c) for subsection (5) thereof there shall be substituted the following:

“(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision:

(a) with respect to qualifications for service or conditions of service in any disciplined force; or

(b) with respect to qualifications (not being qualifications specifically relating to sex) for service as a public officer or for service of a local government authority or a body corporate established for public purposes by any law.”;

(d) in subsection (7) thereof immediately after the words “makes provision” there shall be inserted the words “(not being provisions specifically relating to sex)”;

(e) immediately after subsection (9) thereof there shall be added the following:

“(10) Until the expiration of a period of two years commencing on the 1st July, 1991, nothing contained in any law made before the 1st July, 1991, shall be held to be inconsistent with the provisions of this section, in so far as that law provides for different treatment to different persons attributable wholly or mainly to their respective description by sex.

(11) Nothing in the provisions of this section shall apply to any law or anything done under the authority of a law, or to any procedure or arrangement, in so far as such law, thing done, procedure or arrangement provides for the taking of special measures aimed at accelerating *de facto* equality between men and women, and in so far only as such measures, taking into account the social fabric of Malta, are shown to be reasonably justifiable in a democratic society.”.

Amendment
of section 47
of the
Constitution.

4. For the words "Nothing contained in" in subsection (7) of section 47 of the Constitution, there shall be substituted the words "Until the expiration of a period ending on the 30th June, 1993, nothing contained in".

Passed by the House of Representatives at Sitting No. 555 of the 30th July, 1991.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Acting Clerk to the House of Representatives.