

## Nru 150

30. 09. 2025

### MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Darren Carabott, M.P., u moqri għall-Ewwel darba fis-Seduta tad-29 ta' Settembru 2025.

A BILL introduced by the Honourable Darren Carabott, M.P., and read the First time at the Sitting of the 29th September 2025.

**ATT biex ikompli jemendal-Kostituzzjoni ta' Malta billi jintroduci u jirrikonoxxi d-dritt fundamentali tal-bniedem li jghix f'ambjent nadif, san u sostenibbli, li jaghti l-protezzjoni u jippromwovi d-drittijiet u l-interessi tal-popolazzjoni Maltija u l-generazzjonijiet futuri.**

**AN ACT to further amend the Constitution of Malta in introducing and recognising the fundamental human right to live in a clean, healthy and sustainable environment, which shall afford the protection and promote the rights and interests of the Maltese population and future generations.**

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives



**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT biex ikompli jemenda l-Kostituzzjoni ta' Malta billi jintroduci u jirrikonoxxi d-dritt fundamentali tal-bniedem li jgħix f'ambjent nadif, san u sostenibbli, li jagħti l-protezzjoni u jippromwovi d-drittijiet u l-interessi tal-popolazzjoni Maltija u l-generazzjonijiet futuri.*

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

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda l-Kostituzzjoni ta' Malta (Emenda Nru 2) u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kostituzzjoni ta' Malta, hawn iżjed 'il quddiem imsejha "il-Kostituzzjoni". Titolu fil-qosor.

**2.** Fil-paragrafu (a) tal-artikolu 32 tal-Kostituzzjoni minflok il-kliem "il-ħajja, libertà, sigurtà tal-persuna, it-tgawdija ta' proprjetà u l-protezzjoni tal-liġi" għandhom jidhlu l-kliem "il-ħajja, libertà, sigurtà tal-persuna, it-tgawdija ta' proprjetà, l-ambjent, u l-protezzjoni tal-liġi". Emenda tal-artikolu 32 tal-Kostituzzjoni.

**3.** Minnufih wara l-artikolu 45 tal-Kostituzzjoni għandu jiġi miżjud dan l-artikolu ġdid li ġej: Zieda ta' artikolu ġdid fil-Kostituzzjoni.

"Protezzjoni tad-dritt li tghix f'ambjent san.

45A. (1) Il-persuni kollha f'Malta għandhom id-dritt illi jgħixu f'ambjent nadif, san u sostenibbli.

(2) F'dan l-artikolu l-kelma "ambjent" tfisser l-arja, l-ilma, u l-art, u l-ekosistema u dak kollu li jiffirma parti minnha, u r-riżorsi naturali u fiżiċi kollha li jaffetwaw il-ħajja umana.

(3) F'dan l-artikolu l-kelma "ambjent" tfisser ukoll dawk il-kundizzjonijiet soċjali, koerenza estetika u attributi kulturali li jaffettwaw dak kollu msemmi fid-dispożizzjoni tas-subartikolu (2) ta' dan l-artikolu.

(4) Id-dritt ta' azzjoni għal dikjarazzjoni li d-dispożizzjonijiet ta' dan l-artikolu jkunu ġew, ikunu qed jiġu jew ikunu x'aktarx ser jiġu miksura, u kif ukoll għal infurzar ta' kwalunkwe rimedju li jsegwi, tkun tappartjeni lill-persuni kollha mingħajr distinzjoni u persuna li għib azzjoni bħal dik ma tkunx meħtieġa turi xi interess personali b'appoġġ għall-azzjoni tagħha."

Emenda tal-artikolu 46 tal-Kostituzzjoni.

4. L-artikolu 46 tal-Kostituzzjoni għandu jiġi emendat b'dan li ġej:

(i) il-kliem "artikoli 33 sa 45 (magħdudin)", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "artikoli 33 sa 45A (magħdudin)";

(ii) minnufih wara s-subartikolu (7) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(8) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, f'każ fejn persuna tallega li d-dispożizzjonijiet tal-artikolu 45A jkunu ġew, ikunu qed jiġu jew ikunu x'aktarx ser jiġu miksura, il-Prim'Awla tal-Qorti Ċivili jew il-Qorti Kostituzzjonali tista', jekk jidhrilha li l-allegat ksur hu ta' natura tant serja, tordna li żżomm milli titwettaq kwalunkwe haġa li tista' tkun ta' preġudizzju:

Iżda f'każ illi l-Prim'Awla tal-Qorti Ċivili jew il-Qorti Kostituzzjonali jidhrilha illi jkunu ġew, ikunu qed jiġu jew ikunu x'aktarx ser jiġu miksura d-dispożizzjonijiet tal-artikolu 45A, dik il-Qorti tista' tordna l-provvedimenti li jidhrilha xierqa sakemm jitwettaq ir-rimedju ordnat b'sentenza jew sakemm il-Qorti jidhrilha li hu meħtieġ sabiex tiżgura l-eżekuzzjoni ta' dak ir-rimedju."

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### Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jemenda l-proviżjonijiet tal-Kostituzzjoni ta' Malta billi jintroduci u jirrikonoxxi d-dritt li tgħix f'ambjent nadif, san u sostenibbli bħala dritt fundamentali tal-bniedem, u dana bħala turija ċara u inekwivoka

tal-impenn ta' Malta sabiex tipprotegi l-ambjent Malti u l-kwalità tal-ħajja għall-popolazzjoni preżenti tagħha u l-ġenerazzjonijiet li ġejjin; billi toffri protezzjoni u tikkonserva l-arja, l-art u l-baħar, billi tagħti protezzjoni lill-bijodiversità u lill-ekosistemi, billi tintroduci kontabbiltà u responsabbiltà da parti tal-Gvern fi kwistjonijiet ambjentali, billi tappoġġja l-implimentazzjoni u l-infurzar ta' liġijiet u regolamenti ambjentali aktar rigorużi, billi tappoġġja żieda fl-involviment pubbliku fil-governanza ambjentali, billi tippromwovi edukazzjoni fir-rigward tal-ambjent, billi tappoġġja prattika tajba biex ikollna ambjent li kapaċi jsostni s-soċjetà umana u t-tgawdija sħiħa tad-drittijiet fundamentali tal-bniedem, u billi ttejjeb il-kooperazzjoni ma' Stati oħra għall-isforz globali favur il-protezzjoni tal-ambjent.

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**A BILL  
entitled**

*AN ACT to further amend the Constitution of Malta in introducing and recognising the fundamental human right to live in a clean, healthy and sustainable environment, which shall afford the protection and promote the rights and interests of the Maltese population and future generations.*

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.** The short title of this Act is the Constitution of Malta (Amendment No. 2) Act, 2025 and this Act shall be read and construed as one with the Constitution of Malta, hereinafter referred to as "the Constitution".

Amendment of article 32 of the Constitution.           **2.** In paragraph (a) of article 32 of the Constitution for the words "life, liberty, security of the person, the enjoyment of property and the protection of the law" there shall be substituted the words "life, liberty, security of the person, the enjoyment of property, environment, and the protection of the law".

Addition of new article to the Constitution.           **3.** Immediately after article 45 of the Constitution there shall be added the following new article:

"Protection of the right to a healthy environment.           45A. (1) All persons in Malta shall have the right to live in a clean, healthy and sustainable environment.

(2) In this article the expression "environment" means air, water, and land, and the ecosystem and all its constituent parts, and all natural and physical resources which affect human life.

(3) In this article the expression "environment" also means the social conditions, aesthetic coherence and cultural attributes which affect the matters stated in the provision of sub-article (2) of this article.

(4) A right of action for a declaration that the provisions of this article have been, are being or are likely to be contravened, and the enforcement of any consequential redress, shall appertain to all persons without distinction and a person bringing such an action shall not be required to show any personal interest in support of his action."

4. Article 46 of the Constitution shall be amended by the following:

Amendment of article 46 of the Constitution.

(i) the words "articles 33 to 45 (inclusive)", wherever they occur, shall be substituted by the words "articles 33 to 45A (inclusive)";

(ii) immediately after sub-article (7) thereof there shall be added the following new sub-article:

"(8) Subject to the provisions of this article, any person who alleges that the provisions of article 45A have been, are being or are likely to be contravened, the Civil Court, First Hall, or the Constitutional Court may, if it considers that the alleged breach is of a serious nature, order to restrain from doing anything whatsoever which might be prejudicial:

Provided that if the Civil Court, First Hall, or the Constitutional Court determines that the provisions of article 45A have been, are being or are likely to be contravened, that Court may order any directions as it may deem proper until the performance of the redress ordered by a judgement or until such time as the Court may deem necessary to ensure such performance of the redress."

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### **Objects and Reasons**

The objects and reasons of this Bill are to amend the provisions of the Constitution of Malta in introducing and recognising the right to live in

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a clean, healthy and sustainable environment as a fundamental human right, in a clear and unequivocal declaration of Malta's commitment in protecting the Maltese environment and quality of life for its current population and the generations to come; by affording protection and conservation to air, land and sea, by awarding protection for biodiversity and ecosystems, by introducing governmental accountability and responsibility in environmental matters, by supporting more rigorous implementation and enforcement of environmental laws and regulations, by sustaining increased public involvement in environmental governance, by advocating for education with respect to the environment, by supporting good practices to have an environment that is capable of supporting human society and the full enjoyment of fundamental human rights, and by enhancing cooperation with other States for the global efforts to protect the environment.