

521. L-Onor. Marlene Farrugia tipproponi:

L-Ewwel Qari ta' Abbozz ta' Liġi biex jemenda l-Kodiċi Kriminali, Kap. 9 tal-Liġijiet ta' Malta".

12.05.2021

Abbozz Numru _____ tal-2021

Abbozz ta' Liġi msejjaħ Att biex jemenda l-Kodiċi Kriminal, Kapitolu 9 tal-Liġijiet ta' Malta.

Jiġi approvat mill-President, fuq u bil-parir u l-kunsens tal-Kamra tar-Rappreżentanti, f'dan il-Parlament imlaqqa' u bl-awtorità tal-istess, kif ġej:-

Emenda fis-Subtitolu VII FUQ L-ABORT U FUQ MIN JAGHTI JEW IBIGH SUSTANZI VELENUŻI JEW TA' ĦSARA GĦAS-SAĦĦA, U FUQ IT-TIXRID TAL-MARD

Dan għandu jinqara FUQ MIN JAGHTI JEW IBIGH SUSTANZI VELENUŻI JEW TA' ĦSARA GĦAS-SAĦĦA, U FUQ IT-TIXRID TAL-MARD

Thassir tal-Artikolu 241 tal-Kodiċi Kriminali

Abort prokurat

241.(1) Kull min b'ikel, b'xorb, b'mediċini, jew bi vjolenza, jew b'kull mezz ieħor, jikkaġuna l-abort ta' mara tqila, sew bil-kunsens kemm ukoll mingħajr il-kunsens tagħha, jeħel, meta jinstab ħati, il-piena ta' prigunerija minn tmintax-il xahar sa tliet snin.

(2) L-istess piena tingħata kontra l-mara li tikkaġuna l-abort fuqha nfisha, jew li tkun qagħdet għall-użu tal-mezzi li bihom l-abort ġie ikkaġunat.

Thasir tal-Artikolu 242 tal-Kodiċi Kriminali

Abort li jikkaġuna mewt jew ħsara kbira fuq il-persuna

242. Kemm-il darba l-mezzi li jsir użu minnhom jikkaġunaw il-mewt tal-mara jew ħsara kbira fuq il-persuna tagħha, sew jekk l-abort isir kemm jekk ma jsirx, l-akkużat, meta jinsab ħati, jeħel il-piena stabbilita għall-omicidju volontarju jew għall-offiżi volontarji fuq il-persuna, imnaqqsa minn grad sa tliet gradi.

Thassir tal-Artikolu 243 tal-Kodiċi Kriminali

Tabib, eċċ., li juri jew jagħti l-mezzi biex isir abort.

243. Kull tabib, kirurgu, ostetiku jew spizjar illi xjentement ikun wera jew ta l-mezzi li jkunu ikkaġunaw l-abort, jeħel, meta jinsab ħati, il-piena ta' prigunerija minn tmintax-il xahar sa erba' snin u l-piena tal-interdizzjoni perpetwa mill-eżerċizzju tal-professjoni tiegħu.

Thassir tal-Artikolu 243A tal-Kodiċi Kriminali

L-abortion kolpevoli.

243A. Kull min, b'nuqqas ta' hsieb, bi traskuragni, b'nuqqas ta' hila fl-arti jew professjoni tiegħu, jew b'nuqqas ta' tharis ta' regolamenti, jikkaguna l-abortion ta' mara tqila jeħel, meta jinsab ħati, il-piena ta' prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn elfejn tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (2,329.37).

L-Artikoli 242 għandu jiġu **sostitwiti** bis-segwenti:

L-abortion furzat

251G. Kull min bl-użu tal-forza, qerq, tixħim jew theddid u/jew ġegħil lil xi hadd, u mhux għal raġuni medika, jittermina t-tqala ta' persuna, mingħajr ma jkun hemm il-kunsens sħiħ u infurmat ta' dak l-individwu, ikun ħati ta' abort furzat u jeħel, kemm-il darba l-fatt ma jkunx jikkostitwixxi reat aktar gravi taħt xi dispozizzjoni oħra ta' dan il-Kodiċi, meta jinsab ħati prigunerija għal żmien ta' minn erba' snin sa għaxar snin.

L-Article 243A huwa koprut f' Artikoli ezistenti 225 u 226 tal-Kodiċi Kriminali.

Raġunijiet u Għanijiet

L-għan ta' dan l-abbozz huwa sabiex jassigura li ebda persuna jew mediċi professjonali ma jiġu ddiskriminati u kkriminilazzati għall-għażla dwar is-saħħa medika tagħhom jew l-assistenza medika lil xi persuna jew persuni oħra. Għandu jingħad illi l-abortion kolpevoli huwa koprut f' Artikoli 225 u 226 tal-Kodiċi Kriminali li jirrigwardjaw l-ommiċijdu involontarju u offiża involontarju fuq il-persuna.

Bill Number _____ of 2021

A Bill entitled an Act to amend the Criminal Code, Chapter 9 of the Laws of Malta

Be it enacted by the President, by and with the advice and consent of the House of Representatives, in the present Parliament as assembled, and by the authority of the same, as follows:-

Amendment to the Subtitle VII OF ABORTION, OF THE ADMINISTRATION OR SUPPLYING OF SUBSTANCES POISONOUS OR INJURIOUS TO HEALTH, AND OF THE SPREADING OF DISEASE

Is to read OF THE ADMINISTRATION OR SUPPLYING OF SUBSTANCES POISONOUS OR INJURIOUS TO HEALTH, AND OF THE SPREADING OF DISEASE

Deletion of Article 241 of the Criminal Code

Procuring miscarriage 241.(1) Whosoever, by any food, drink, medicine, or by violence, or by any other means whatsoever, shall cause the miscarriage of any woman with child, whether the woman be consenting or not, shall, on conviction, be liable to imprisonment for a term from eighteen months to three years.(2) The same punishment shall be awarded against any woman who shall procure her own miscarriage, or who shall have consented to the use of the means by which the miscarriage is procured.

Deletion of Article 242 of the Criminal Code

Death or grievous bodily harm caused by means used for miscarriage. 242. If the means used shall cause the death of the woman, or shall cause a serious injury to her person, whether the miscarriage has taken place or not, the offender shall, on conviction, be liable to the punishment applicable to willful homicide or willful bodily harm, diminished by one to two degrees.

Deletion of Article 243 of the Criminal Code

Where physician, etc., prescribes or administers means for causing miscarriage 243. Any physician, surgeon, obstetrician, or apothecary, who shall have knowingly prescribed or administered the means whereby the miscarriage is procured, shall, on conviction, be liable to imprisonment for a term from eighteen months to four

Deletion of Article 243A of the Criminal Code

Culpable Miscarriage

243A. Whosoever, through imprudence, carelessness, lack of skill in his art or profession, or non-observance of regulations, causes the miscarriage of a woman with child, shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine (multa) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37).

The aforementioned Article 242 shall be **substituted** with:-

Forced Abortion

251 G. Any person who for non-medical reasons, by means of violence, force, deceit, bribery, threats and/or coercion, causes the termination of the pregnancy without the person's full and informed consent, shall unless the fact constitutes a more serious offence under any other provision of this Code, be liable on conviction to imprisonment between four to ten years.

Article 243A is covered by existing Article 225 and Article 226 of the Criminal Code.

Reasons and Objectives

The purpose of this Bill is to ensure that no persons or medical professionals are criminalized for choices pertaining to their medical health and/or the provision of medical assistance in order to safeguard it. It is further noted that culpable negligence as expounded in Article 243A is already covered by articles dealing with involuntary homicide and bodily harm as found in Article 225 and 226 of the Criminal Code.