ABBOZZ TA’ LIĠI
msejjaħ

ATT biex jemenda l-Kodiċi Kriminali.

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

1. (1) It-titolu fil-qosor ta’ dan l-Att huwa l-Att tal-2012 li jemenda l-Kodiċi Kriminali, u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed ’il quddiem imsejjaħ "il-Kodiċi". Titolu fil-qosor. Kap. 9.

2. L-artikolu 82A tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 82A tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "jew mibegħda razzjali jew" għandhom jidħlu l-kliem "jew mibegħda kontra xi persuna oħra jew grupp ta’ persuni fuq bażi ta’ ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra jew”;

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b’li ġej:

"(2) Għall-finijiet tas-subartikolu qabel dan "vjolenza jew mibegħda" tfisser vjolenza jew mibegħda kontra persuna jew grupp ta’ persuni f’Malta definiti b’referenza għall-ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra.".

3. L-artikolu 82Ċ tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 82Ċ tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu minnufih wara l-kliem "l-paċi diretti kontra” għandhom jidħlu l-kliem "persuna jew" u l-kliem

"għar-razza, kulur, reliġjon, dixxendenza jew oriġni nazzjonali jew etnika jew kontra xi membru ta' dak il-grupp" għandhom jiġu sostitwiti bil-kliem "għal ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra";

(b) fil-paragrafu (a) tas-subartikolu (1) tiegħu minflok il-kliem "dak il-grupp jew membru ta'" għandhom jidħlu l-kliem "dik il-persuna jew";

(ċ) fil-verżjoni Ingliża tas-subartikolu (2) tiegħu minflok il-kliem "conduct consisting in" għandhom jidħlu l-kliem "conduct consisting of".

Emenda tal-artikolu 83B tal-Kodiċi.

4. Fl-artikolu 83B tal-Kodiċi minflok il-kliem "ikun aggravat għal raġunijiet li għandhom x'jaqsmu ma' razza jew reliġjon fi ħdan it-tifsira mogħtija fis-subartikoli (3) sa (6), it-tnejn inklużi, tal-artikolu 222A jew ikun motivat, għal kollox jew b'mod parzjali, bil-ksenofobija" għandhom jidħlu l-kliem "ikun aggravat jew motivat, għal kollox jew b'mod parzjali b'mibegħda kontra persuna jew grupp ta' persuni, fuq bażi ta' ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra fi ħdan it-tifsira mogħtija fis-subartikoli (3) sa (6), it-tnejn inklużi, tal-artikolu 222A.".

Emenda tal-artikolu 222A tal-Kodiċi.

5. L-artikolu 222A tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minflok il-kliem "għal raġunijiet li għandhom x'jaqsmu ma' razza jew reliġjon jew ikun motivat, għal kollox jew b'mod parzjali, bil-ksenofobija" għandhom jidħlu l-kliem "jew motivat fuq bażi ta' ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra";

(b) fis-subartikolu (3) tiegħu minflok il-kliem "għal raġunijiet li għandhom x'jaqsmu ma' razza jew reliġjon jew ikun motivat, bil-ksenofobija meta:" għandhom jidħlu l-kliem "jew motivat fuq bażi ta' ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra jekk:";

(ċ) fil-paragrafu (a) tas-subartikolu (3) tiegħu minflok il-kliem "għal grupp razzjali jew reliġjuż; jew" għandhom jidħlu l-kliem "għal grupp ta' persuni, li juru l-ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra; jew";

(d) fil-paragrafu (b) tas-subartikolu (3) tiegħu minflok il-kliem "membri ta’ grupp razzjali bbażata fuq il-fatt li dawn ikunu jappartjenu għal dak il-grupp." għandhom jidħlu l-kliem "grupp ta’ persuni kif imsemmi fil-paragrafu (a).";

(e) fis-subartikolu (4) tiegħu l-kliem "razzjali jew reliġjuż" għandhom jiġu mħassra;

Emenda tal-artikolu 251D tal-Kodiċi.

6. Fl-artikolu 251D tal-Kodiċi minflok il-kliem "għal raġunijiet li għandhom x’jaqsmu ma’ razza jew reliġjon" għandhom jidħlu l-kliem "jew motivat fuq bażi ta’ ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra".

Emenda tal-artikolu 325A tal-Kodiċi.

7. Fl-artikolu 325A tal-Kodiċi il-kliem "għar-rigward ta’ reat rilevanti" għandhom jiġu mħassra u minflok il-kliem "għal raġunijiet li għandhom x’jaqsmu ma’ razza jew reliġjon" għandhom jidħlu l-kliem "jew motivat fuq bażi ta’ ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza, kulur, lingwa, oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra".

Emenda tal-Att dwar l-Istampa, Kap. 248.

8. Fl-artikolu 6 tal-Att dwar l-Istampa minflok il-kliem "fir-razza, twemmin, kulur, nazzjonalità, sess" għandhom jidħlu l-kliem "l-ġeneru, l-identità tal-ġeneru, l-orjentazzjoni sesswali, ir-razza, il-kulur, il-lingwa, l-oriġini etnika, reliġjon jew twemmin jew opinjoni politika jew opinjoni oħra" u l-kliem "jew oriġini nazzjonali jew etnika" għandhom jiġu mħassra.

Għanijiet u Raġunijiet

L-għanijiet ta’ dan l-Abbozz huma sabiex jemendaw il-Kodiċi Kriminali sabiex jiġu introdotti reati fir-rigward ta’ ġeneru, identità tal-ġeneru, orjentazzjoni sesswali, razza eċċ, u sabiex jiżdiedu l-pieni fir-rigward tagħhom, u sabiex jemenda l-Att dwar l-Istampa ukoll.

A BILL
entitled

AN ACT to amend the Criminal Code.

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.

Cap. 9.

1. The short title of this Act is the Criminal Code (Amendment) Act, 2012, and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code".

Amendment of article 82A of the Code.

2. Article 82A of the Code shall be amended as follows:

(a) in subarticle (1) thereof for the words "or racial hatred or whereby" there shall be substituted the words "or hatred against another person or group on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion or whereby such";

(b) subarticle (2) thereof shall be substituted by the following:

"(2) For the purposes of the foregoing subarticle "violence or hatred" means violence or hatred against a person or against a group of persons in Malta defined by reference to gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion.".

Amendment of article 82C of the Code.

3. Article 82C of the Code shall be amended as follows:

(a) in subarticle (1) thereof immediately after the words "peace directed against" there shall be inserted the words "a person or" and the words "race, colour, religion, descent or national or ethnic origin or against a member of such a group" shall be substituted by the words "gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or

political or other opinion";

(b) in paragraph (a) of subarticle (1) thereof for the words "group or a member of such a" there shall be substituted by the words "person or";

(c) in subarticle (2) thereof for the words "conduct consisting in" there shall be substituted by the words "conduct consisting of".

Amendment of article 83B of the Code.

4. In article 83B of the Code for the words "is racially or religiously aggravated within the meaning of sub-articles (3) to (6), both inclusive, of article 222A or is motivated, wholly or partly, by xenophobia" there shall be substituted the words "aggravated or motivated, wholly or in part by hatred against a person or a group, on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion within the meaning of sub-articles (3) to (6), both inclusive, of article 222A.".

Amendment of article 222A of the Code.

5. Article 222A of the Code shall be amended as follows:

(a) in subarticle (2) thereof for the words "racially or religiously aggravated or motivated, wholly or partly, by xenophobia within the meaning of the following subarticles" there shall be substituted the words "aggravated or motivated on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion";

(b) in subarticle (3) thereof for the words "racially or religiously aggravated or motivated by xenophobia if:" there shall be substituted the words "aggravated or motivated on grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion if:";

(c) in paragraph (a) of subarticle (3) thereof for the words "of a racial or religious group; or" there shall be substituted the words "of a group, denoting a particular gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion; or";

(d) in paragraph (b) of subarticle (3) thereof for the words "racial group based on their membership of that group" there shall be substituted the words "group as referred to in paragraph (a).";

(e) in subarticle (4) thereof the words "racial or religious" shall be deleted;

Amendment of article 251D of the Code.

6. In article 251D of the Code for the words "racially or religiously aggravated" there shall be substituted the words "aggravated or motivated on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion".

Amendment of article 325A of the Code.

7. In article 325A of the Code the words "in respect of a relevant offence" shall be deleted and for the words "racially or religiously aggravated" there shall be substituted the words "aggravated or motivated on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion".

Amendment of the Press Act, Cap. 248.

8. In article 6 of the Press Act for the words "race, creed, colour, nationality, sex" there shall be substituted the words "gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion," and the words "or national or ethnic origin" shall be deleted.

Objects and Reasons

The objects of this Bill are to amend the Criminal Code to introduce offences in relation to gender, gender identity, sexual orientation, race etc., and to increase punishments therefor, and to also amend the Press Act.