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I assent.

(L.S.)

FRANK BEZZINA
Acting President

28th June, 2022

ACT No. X of 2022

AN ACT to further 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:-

Short title and
commencement.
Cap. 9

1. (1) The short title of this Act is the Criminal Code (Amendment No. 3) Act, 2022 and this Act shall be read and construed as one with the Criminal Code hereinafter referred to as "the Code".

(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.

Addition of new
article to the
Code.

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

the following new article:

"Femicide.

211A. In sentencing a person 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 committed by an intimate partner with whom the victim was or is still in a relationship or of 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."

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

Amendment of article 212 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:

Amendment of article 227 of the Code.

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

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Passed by the House of Representatives at Sitting No. 19 of the 20th
June, 2022.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives