[MT] Amendments to the Criminal Code and the Press Act Concerning the Media

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Kevin Aquilina
Faculty of Laws, University of Malta

Parliament has approved legislation to amend the Criminal Code and the Press Act to introduce offences in relation to gender, gender identity, sexual orientation, race, etc., and to increase punishments therefor. This is because as the law previously criminalised only one type of hatred - racial hatred.

Article 82A of the Criminal Code criminalised incitement to racial hatred through written or printed material in the case of 'violence or hatred against a group of persons in Malta defined by reference to colour, race, religion, descent, nationality (including citizenship) or ethnic or national origins or against a member of such a group.' This provision was limited to racial hatred. The Criminal Code (Amendment) Act, 2012 enlarged the scope of Article 82A to include other categories of hatred namely gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion'.

The same amendment was introduced in Article 82C of the Criminal Code dealing with denying or trivialising crimes against peace directed against a person or a group of persons. The amendment criminalises condoning, denying or trivialising crimes against peace directed against a group of persons defined by reference to gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion. A similar amendment is made in article 83B which provides that the punishment provided for any offence is being increased by one to two degrees when the offence is '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'.

The amendments to article 222A, 251D and 325A of the Criminal Code once again extends racial hatred to all the forms of hatred mentioned above.

Finally the Press Act, which applies both to the press, the broadcasting media and the new media, has been amended. Article 6 deals with racism and similar offences. Its purport has also been widened. It is now a criminal offence by means of a medium to threaten, insult, or expose to hatred, persecution or contempt, a person or group of persons because of their gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion and disability.

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Att Nru. VIII tal-2012 (Att biex jemenda l-Kodiċi Krimimali, Kap 9)

http://www.culturalheritage.gov.mt/filebank/inventory/GG%2026.6.pdf

Act No. VIII of 2012 (an Act to amend the Criminal Code, Cap 9.), Malta Government Gazette of 26 June 2012

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