

**Group of Experts on Action against Violence  
against Women and Domestic Violence  
(GREVIO)**

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pursuant to Article 68, paragraph 1  
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on preventing and combating violence  
against women and domestic violence  
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## List of Abbreviations

A&E	Accident and Emergency Department
CGBVDV	Commission on Gender-Based Violence and Domestic Violence
CPV	Child to parent violence
CRPD	Commission for the Rights of Persons with Disability
DAIP	Domestic Abuse Intervention Programme
DPP	Department for Probation and Parole
CPS	Child Protection Services
CSAM	Child Sexual Abuse Material
DIER	Department for Industrial and Employment Relations
DSS	Department for Social Security
DV	Domestic violence
DVU	Domestic Violence Unit
DVS	Domestic Violence Service
EIGE	European Institute for Gender Equality
FGM	Female Genital Mutilation
FSWS	Foundation for Social Welfare Services
GBV	Gender-based violence
GBH	Grievous bodily harm
HRID	Human Rights and Integration Directorate
HoD	Head of department
IMC	Inter-Ministerial Committee
IPV	Intimate partner violence
JRS	Jesuit Refugee Service
LBTI	Lesbian, bisexual, transgender and intersex
MAB	Managing Abusive Behaviour service
MCA	Malta Communications Authority
MCAS	Malta College of Arts, Science and Technology
MDH	Mater Dei Hospital
MEAE	Ministry for European Affairs and Equality
MEDE	Ministry for Education and Employment
MFCS	Ministry for the Family, Children's Rights and Social Security
MFH	Ministry for Health

MHAS	Ministry for Home Affairs and National Security
MJCL	Ministry for Justice, Culture and Local Government
MoU	Memorandum of Understanding
MPF	Malta Police Force
NAO	National Audit Office
NCPE	National Commission for the Promotion of Equality
NCSPVA	National Centre for the Study and Prevention of Violence and Abuse
NGO	Non-Governmental Organisation
NPS	National Police System
NSO	National Statistics Office
NSSS	National School Support System
ODPM	Office of the Deputy Prime Minister and Ministry for Health
PHC	Primary Health Care
POMA	Protection of Minors Act
PSCD	Personal, Social and Career Development Curriculum
PSP	Public Social Partnership
SAV	Supervised access visit
SBH	Slight bodily harm
SEBD	Social, emotional and behavioural difficulties
SfCE	Secretariat for Catholic Education
SOP	Standard operating procedure
UNHCR	United Nations High Commissioner for Refugees
UOM	University of Malta
VSM	Victim Support Malta
VSU	Victim Support Unit, Police
WWUF	Women Who Use Force service

## 1. Introduction

The Maltese Islands is an archipelago consisting of Malta, Gozo and Comino; with Malta being the largest and most inhabited of the three islands. The Maltese Islands has a total surface area of 315.2 km<sup>2</sup> with an estimated population of 493,559 inhabitants as at end 2018<sup>1</sup>. This makes it the most densely populated European Union member state. Since 2013, the population of the Maltese Islands has experienced a considerable rate of annual growth which has been driven by increases in annual net migration.

In December 2008, the Council of Europe's Committee of Ministers appointed a group of experts – CAHVIO – Ad Hoc Committee for preventing and combating violence against women and domestic violence – to develop a Draft Convention on violence against women. The approved draft was accepted on the 7<sup>th</sup> of April 2011 as the *Council of Europe Convention on preventing and combating violence against women and domestic violence*. Malta signed the Istanbul Convention on the 21<sup>st</sup> of May 2012 and ratified it on the 29<sup>th</sup> of September 2014. The Convention came into force on the 1<sup>st</sup> of November 2014. Malta reserved the right not to apply Article 30(2) of the Convention regarding state compensation; instead deciding to continue to apply its current laws. Malta also reserved the right not to apply Article 44(1)(e) of the Convention regarding habitual residence; instead choosing to apply its definition of permanent resident from the Immigration Act.

To monitor the implementation of the Convention in individual states, an international group of independent experts – Group of experts on action against violence against women and domestic violence (GREVIO) – was established, which is undertaking an initial evaluation of all States Parties, based on a comprehensive survey. Malta received the questionnaire from GREVIO in February 2019 with a deadline set for September 2019. The Commission on Gender-Based Violence and Domestic Violence (CGBVDV) is the official body responsible for co-ordinating the collection of information and compilation of the report in response to the questionnaire received from GREVIO. This report was compiled with the assistance of the National Statistics Office (NSO), which was contracted to assist in the collection and collation of the responses to the questionnaire. The report has been compiled through cooperation with several ministries, governmental bodies and selected civil society institutions.

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<sup>1</sup> NSO, World Population Day News Release, July 2019. Available at: [https://nso.gov.mt/en/News\\_Releases/View\\_by\\_Unit/Unit\\_C5/Population\\_and\\_Migration\\_Statistics/Documents/2019/News2019\\_108.pdf](https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_C5/Population_and_Migration_Statistics/Documents/2019/News2019_108.pdf)

## 2. Policies and data collection

### 2.1 Strategies implemented

Malta launched its first national strategy – *Society’s concern: Gender-based violence and domestic violence strategy and action plan vision 2020*<sup>2</sup> – in November 2017. It was set up as part of the remit of the Human Rights and Integration Directorate (HRID), which itself was part of the newly formed Ministry for European Affairs and Equality (MEAE). The strategy covers a three-year plan for implementation from 2018 to 2020. As stated in Section D of the strategy, it covers all forms of violence against women, including domestic violence (DV), as outlined by the *Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence* (Istanbul Convention). The Maltese government opted to employ the term *Gender-Based Violence* (GBV) rather than violence against women since, while it retains a gender perspective, it encompasses the full spectrum of gender and sex in its definition.

The aim of the GBV and DV strategy is to ensure that legislation, policies and services can address victims’ needs holistically and as a societal concern. The strategy is also in line with the policy recommendations included in the Istanbul Convention.

Following its launch, the strategy’s implementation and monitoring has since been shifted to the remit of the CGBVDV, which is also within the MEAE. In accordance with Section C2 of the strategy, an Inter-Ministerial Committee (IMC) was established to spearhead the monitoring and implementation of the strategy. The IMC is composed of several governmental entities which meet on a regular basis to discuss progress as well as flag any possible areas of concern in the implementation process. The IMC also allows for a forum for discussion to ensure an effective, holistic and comprehensive implementation of the measures.

The IMC is currently composed of the following entities:

- Commission on Gender-Based Violence and Domestic Violence (CGBVDV) and the Human Rights and Integration Directorate (HRID), both falling under the Ministry for European Affairs and Equality (MEAE),
- The National School Support System (NSSS), falling under the Ministry for Education and Employment (MEDE),

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<sup>2</sup> Human Rights and Integration Directorate (2017). *Society’s concern: Gender-based violence and domestic violence strategy and action plan vision 2020*. Available at: [https://meae.gov.mt/en/Documents/GBV\\_DV%20Strategy%20and%20Action%20Plan%20publication.pdf](https://meae.gov.mt/en/Documents/GBV_DV%20Strategy%20and%20Action%20Plan%20publication.pdf).

- Aġenzija Appoġġ from the Foundation for Social Welfare Services (FSWS), falling under the Ministry for the Family, Children’s Rights and Social Security (MFCS),
- The Department for Probation and Parole (DPP) and the Malta Police Force (MPF), falling under the Ministry for Home Affairs and National Security (MHAS),
- The Department for Justice, Ministry for Justice, Culture, and Local Government (MJCL),
- The Department for Policy in Health, falling under the Office of the Deputy Prime Minister (ODPM) and Ministry for Health (MFH).

## **2.2 Funding and services**

In 2018, the budget allocated for the implementation of the strategy mentioned in *2.1 Strategies implemented* above, was part of the global annual budget allocated to the CGBVDV. Therefore, for the purpose of this report, it is not possible to extract the amount allocated specifically for the funding of the implementation of the strategy for 2018. The overall budget for the Commission for the year 2018 can be found in Section 2.4 of this report. From 2019, a specific line item budget will be allocated to the strategy to continue to ensure its implementation.

## **2.3 Cooperation with civil society actors**

Representatives from the Non-Governmental Organisation (NGO) network can also sit as board members of the CGBVDV. This allows for work carried out by the NGO network to be encouraged and supported through these meetings. It also allows for the exchange of good practises, training and awareness raising. Through EU co-funded projects, the CGBVDV has partnered with various NGOs in order to strengthen service provision and the raising of awareness. This is exemplified in initiatives such as the campaign *Breaking the Cycle of Violence* and the *Rights, Equality, and Citizenship programme* of the EU Commission.

## **2.4 Co-ordinating body**

Through the passing of the Gender-Based Violence and Domestic Violence Act (Chapter 581 of the Laws of Malta – refer to Annex 1), the co-ordinating body designated for the application of Article 10 of the Istanbul Convention is the CGBVDV. Established as a public entity, with its own legal personality<sup>3</sup>, the CGBVDV has several duties<sup>4</sup> which include, but are not limited to:

- Advising the Minister and any state institution on issues relating to GBV and DV,
- Monitoring and overseeing the effective implementation of the Governments action plan,

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<sup>3</sup> § 6 (2) of CAP. 581 of the Laws of Malta.

<sup>4</sup> § 13 of CAP. 581 of the Laws of Malta.

- Engaging with relevant stakeholders, including those in civil society, in the effective implementation of the action plan,
- Supporting research in the field of GBV and DV in order to study its root causes and effects, incidence and conviction rates,
- Monitoring standards for support services for victims and perpetrators of GBV and DV,
- Comprehensively collecting and collating relevant disaggregated statistical data at regular intervals,
- Ensuring that the information collated is available to the public,
- Conducting awareness-raising campaigns or programmes, including those in co-operation with civil society to increase awareness and understanding among the general public of the different manifestations of all forms of GBV and DV and the need to prevent and address such violence,
- Ensuring the wide dissemination among the general public of information on measures available to prevent acts of violence<sup>5</sup>.

The Commission itself is composed of the Commissioner on Gender-Based Violence and Domestic Violence along with between six and twelve other members who are knowledgeable on the legal and administrative issues surrounding GBV and DV. These are appointed by the Minister of European Affairs and Equality for a term of three years after consulting both public and private entities that are involved in the research, prevention and treatment of GBV and DV. This allows for members to represent a wide range of actors within civil society. The budget for the Commission during the reference years under review was:

- €72,000 in 2017
- €150,000 in 2018

The CGBVDV works together with both civil society organisations and other government entities to organise awareness raising events during its annual *16 days of activism* event. It also organises an annual conference where all stakeholders working within the field of GBV and DV are invited to exchange good practices, as well as invite any foreign speakers to discuss emerging trends and methodologies. It has collaborated with Mental Health Malta to host a closed group of professionals to discuss specific cases of DV, evaluate the practice applied and learn from the outcomes. These meetings, usually held monthly, provide stakeholders with knowledge on each other's services while also allowing for the exchange of expertise. The Commission has also collaborated with the European

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<sup>5</sup> § 13 (a-o) of CAP. 581 of the Laws of Malta.

Institute for Gender Equality (EIGE) in order to assist in developing a more comparable and comprehensive system of data collection. In collaboration with EIGE, the Commission has also produced a set of guidelines for journalists on how media reports can better reflect DV incidents without communicating a dramatised or insensitive message.

To fulfil its duties as the body entrusted with collecting and collating relevant disaggregated statistical data within this field, the CGBVDV signed an agreement with the NSO to provide technical assistance for the annual collection, collation and harmonisation of data from relevant stakeholders (further discussed in Section 2.5 of this report). A memorandum of understanding (MoU) was also signed with the Australian Government with the aim of cooperating in areas such as the mutual exchange of information and technical assistance surrounding GBV and DV and for the mutual identification of initiatives and projects on which collaboration is possible.

## **2.5 Data collection**

The CGBVDV has subcontracted the NSO in order to assist with the gathering of data on DV from the courts, prosecutors, law enforcement officers, health care practitioners, social workers and other agencies and entities in accordance with Article 19.3(f) of the Gender-Based Violence and Domestic Violence Act (2018) and in line with the Istanbul Convention Article 11 on data collection and research. The data produced has the potential to inform policy and give a clearer indication to stakeholders on how to fight and prevent DV. The NSO has been assisting CGBVDV since 2017 (reference year for data collection 2016) through the harmonisation and compilation of tables based on the micro-data collected from several stakeholders.

The CGBVDV collects data directly from the following stakeholders:

- Police Department, Ministry for Home Affairs and National Security (MHAS),
- A&E Department, Ministry for Health (MFH),
- Appoġġ, Foundation for Social Welfare Services (FSWS),
- Victim Support Malta (NGO),
- Dar Qalb ta' Gesu (NGO),
- Dar Merħba Bik (NGO).

A template with the data is collected by the Commission during the second quarter of each year. The variables collected include:

- ID card of 'victim' (last 3 digits),
- ID card of 'perpetrator' (last 3 digits) (provided only by the Police),

- Date of birth of 'victim',
- Gender of the 'victim',
- Age of 'victim',
- Victim-perpetrator relationship,
- Locality,
- Gender of 'perpetrator',
- Type of violence: physical, psychological, sexual, economic,
- Nationality of 'victim',
- Nationality of 'perpetrator',
- Age of 'perpetrator'.

Once the data is collected, it is processed, verified and analysed by the NSO under the Malta Statistics Authority Act (2000)<sup>6</sup> of the Laws of Malta and in line with the relevant provisions of the General Data Protection Regulations on data sharing for statistical purposes. Following this process, data collected from the different sources is harmonised so that duplicate records are identified and flagged using the ID card variable. This produces figures separately for unique victims and reported cases of abuse. The verified micro-dataset is then used to generate statistical tables which are published by the Commission in its Annual Report<sup>7</sup>.

## 2.6 Research

As part of the EU co-funded project *Full Cooperation: Zero Violence (Rights, Equality and Citizenship Programme, EU Commission)*, a local research study was carried out in 2017 by the Department of Gender Studies, Faculty of Social Wellbeing at the University of Malta (UOM). The study was called *Barriers to Help-Seeking in Gender-Based Violence against Women: A Research Study*<sup>8</sup>. Carried out between 2017 and 2018, the research attempted to identify and explore the barriers being faced by women survivors of GBV in Malta and Gozo when seeking help at the various state and voluntary services as seen from their perspective, as well as those faced by professionals when delivering a service to the survivors.

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<sup>6</sup> Chapter 422 of the Laws of Malta (Malta Statistics Authority Act). Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8888&l=1>

<sup>7</sup> Commission on Gender-Based Violence and Domestic Violence (2017). Annual Report. Available online at [https://meae.gov.mt/en/Commission%20on%20Domestic%20Violence/Documents/Publications/CDV\\_Annual\\_Report2017.pdf](https://meae.gov.mt/en/Commission%20on%20Domestic%20Violence/Documents/Publications/CDV_Annual_Report2017.pdf).

<sup>8</sup> Clark, Naudi and Saliba (2018). Barriers to Help-Seeking in Gender-Based Violence against Women: A Research Study. Available at <https://meae.gov.mt/en/ZeroViolence/Documents/Full%20Cooperation%20-%20Zero%20Violence.pdf>.

The study adopted a qualitative research design and the data collection strategy used included 16 qualitative interviews and six focus groups including both survivors and professionals. The study identified eight main interrelated categories of barriers:

- Cultural barriers,
- Socioeconomic barriers,
- Survivor-related barriers,
- Perpetrator-related barriers,
- Offspring related barriers,
- Informal networks (family and friends) barriers,
- Psychological/health care/education provision barriers,
- Justice system barriers (including police and courts).

The results of the study specifically emphasised certain barriers faced by survivors' when dealing with the police and subsequent to that, when navigating within the justice system. As a result of this qualitative study, a list of 32 recommendations were presented by the UOM which were categorised in accordance with the 4 Ps of the Istanbul Convention, namely Prevention, Protection, Prosecution and integrated Policies. Some of the recommendations from the study were:

- Awareness campaigns,
- Specialist training,
- Promotion of gender sensitivity in the justice system,
- The provision of handbooks and training to first responding officers and investigators,
- Better legal provision,
- Addressing the gap between service availability and accessibility,
- Specialist services in the Island of Gozo,
- Mechanisms for more effective inter-agency collaboration,
- Gender-mainstreaming in areas of policy.

## **2.7 Studies**

There were no population-based surveys conducted with regards to violence against women between 2017 and 2018.

During 2018 Malta participated in the testing and piloting of a survey on GBV as part of a Eurostat grant project. The aim of this project was to pre-test, translate and pilot an EU questionnaire on GBV. The questionnaire used was provided by Eurostat and included an extensive list of questions

applicable to the different types of violence that the victim may have suffered. During the first phase of the project, the NSO engaged a translating company to translate the questionnaire from English to Maltese. Following this, a pre-testing exercise was undertaken through focus groups made up of key experts and stakeholders in the field. Recommendations and an updated version of the questionnaire was then submitted to Eurostat. Once Eurostat collected all the feedback from the countries participating in this phase of the project, the final questionnaire to be used for the pilot study was circulated to the countries.

For the pilot study, a random sample of 300 persons aged over 18 was selected among five localities. Fourteen interviewers were selected and trained by the NSO with the assistance of a local expert in Criminology from the Faculty for Social Wellbeing at the UOM. This training addressed special issues related to the topic and focused mainly on dealing with difficult situations during the interviewing process. Information leaflets and contact cards for services related to GBV and DV were provided by the CGBVDV and were given to all interviewers to provide to respondents at the end of each survey. 144 questionnaires were filled in and returned. The NSO produced a detailed report which was a deliverable of the project. The report provided an overview of the experience of pre-testing and piloting the survey with recommendations to improve the study methodology and questionnaire. Since the aim of this study was to test the questionnaire and methodology, results from this study are not deemed adequate as a measure of prevalence in Malta due to the small sample size.

### **3. Prevention**

#### **3.1 Raising awareness**

During the reporting years of 2017 and 2018 there were several awareness campaigns that not only dealt with GBV and DV, but also sexual harassment. These were:

##### ***Full Cooperation: Zero Violence<sup>9</sup>***

As part of this project, an awareness raising campaign was included with an aim to make society more aware of GBV and what can be done to address it. The campaign consisted of two stages spread over 2017 and 2018. The first, conducted in 2017, focused on the victims of GBV and DV. The second, conducted in 2018, focused on the general public in order to encourage potential witnesses and bystanders to be more vigilant and ready to report. Both stages utilised social media

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<sup>9</sup> More information on the *Full Cooperation: Zero Violence* campaign is available at <https://meae.gov.mt/en/ZeroViolence/Pages/Zero-Violence.aspx>.

using clips and online adverts, while also using traditional methods such as a radio campaigns, adverts in bus shelters, public entertainment areas and public restrooms.

### ***Sexual Harassment: At the Workplace and in the Social Context***

This was the theme used by the NCPE for Women's International Day 2018. The objective was to raise awareness as well as encourage stakeholders to work towards preventing and combatting sexual harassment in all social, economic and political spheres. The NCPE made use of media ranging from radio and television appearances to articles in newspapers and on social media. In the reporting years, the NCPE's Commissioner made numerous appearances on national broadcasting platforms, while NCPE have released two press statements regarding GBV and sexual harassment.

### ***Love doesn't hurt***

For 2017's *16 days of activism*, the theme chosen was *Love doesn't hurt*. A pre-launch press conference was held by the CGBVDV to raise awareness, followed by various programmes and activities carried out by several stakeholders in order to raise awareness on acting to end violence against women and DV. Stakeholders included MEDE, Aġenzija Appoġġ, MFH, MPF, UOM, The Malta College of Arts, Science and Technology (MCAST) and NGO's.

### ***Silence is not golden... Report abuse***

For 2018's *16 days of activism*, the CGBVDV collaborated with a number of government and non-government organisations in order to raise awareness and campaign on GBV and DV against women and girls. The CGBVDV collaborated with several entities including HRID, Malta Football Association, Aġenzija Appoġġ, Ministry for Gozo, Commission for the Rights of Persons with Disability (CRPD) and MEDE among others.

### ***Breaking the cycle of violence*<sup>10</sup>**

This project was carried out in order to provide awareness and information sessions to lesbian, bisexual, transgender and intersex (LBTI) women, migrant women, women with disabilities and women residing in second stage shelters. This was done in collaboration with NGO project partners. This was followed by social media campaigns to raise awareness amongst the general public.

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<sup>10</sup> More information on the *Breaking the cycle of violence* campaign is available at <https://meae.gov.mt/en/BCV/Pages/Breaking-the-Cycle-of-Violence.aspx>.

### ***Outside with no fear - An awareness raising event about Domestic Violence<sup>11</sup>***

On the 25<sup>th</sup> November 2017, FSWS organised an event outside of the National Parliament in Valletta. The event was entitled *Outside with No Fear – An awareness raising event about Domestic Violence* and discussed the theme of child to parent violence, victims of which are often women. This event was part of the *16 Days of Activism* organised by the CGBVDV. The event, which was live-streamed in its entirety on the FSWS's Facebook page, was divided into three parts: a discussion, a performance and speeches. The activity was supported by several high-level government officials, including the Prime Minister of Malta Hon. Dr. Joseph Muscat and several honourable ministers. The presence of these individuals supported the development of a sound discourse on the elimination of GBV especially where family violence is concerned. It also gave space to the general public to receive direct information on the phenomenon, services available and how these can be accessed.

### ***From Victims to Activists<sup>12</sup>***

On the 26<sup>th</sup> November 2018, the FSWS organised an event entitled *From Victims to Activists* which highlighted the experience of victims of DV and their activism for the elimination of GBV especially where intimate partner violence (IPV) is concerned. This event was to mark the International Day for the Elimination of Violence Against Women and was also part of the *16 Days of Activism* organised by the CGBVDV. The activity was addressed by the CEO of FSWS and supported by high-level government officials including the Prime Minister of Malta Hon. Dr. Joseph Muscat and several honourable ministers. During the event, three victims of DV spoke about their experience and how they managed to move on with their life after seeking help.

## **3.2 Education**

Currently there are no specific policies that tackle GBV and DV against women within the Maltese education system. All schools do however have policies that target bullying and managing behaviour. Church schools have worked on developing updated guidelines which provide procedures for schools for:

- Disclosure from students being victims or by-standers of violence at home or at school,
- Disclosure from parents who are victims of violence,

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<sup>11</sup> More information on the *Outside with no fear* campaign is available at <https://fsws.gov.mt/en/fsws/news/Pages/Launch-of-Outside-with-no-fear.aspx>.

<sup>12</sup> More information on the *From Victims to Activists* campaign is available at <https://fsws.gov.mt/en/fsws/news/Pages/From-Victims-to-Activists---Domestic-Violence-Event-2018.aspx>.

- Mandatory reporting,
- Taking prompt action to guide the parent with information on how to seek support/facilitate the process to reach out for support,
- Support system structure by the psychosocial team allocated to the school to follow the family and provide support,
- Intervention following incident reports of any form of violence be it adult to adult, adult to child, child to adult, or child to child.

While there are no policies set specifically to tackle GBV and DV, individual schools can organise activities that are related to prevention. For example, one college held talks with parents and students about DV, while another held 15-minute sessions with each class to discuss the subject.

The area of teaching *Personal Social Career Education* tackles the area of domestic violence as part of *Sexuality and Relationships Education*. Learning outcomes for this subject include:

- Students being able to recognise the difference between a caring and a non-caring relationship,
- Identifying the consequences of a non-caring, aggressive and abusive relationship and how to act in such circumstances,
- Exploring their and others views on what is considered acceptable and not acceptable in a dating relationship,
- Identifying signs of an abusive relationship,
- Indicating places/people where help can be sought when confronted with an abusive partner,
- Identifying the challenges brought about by an emotionally difficult relationship,
- Outlining what is considered positive and negative behaviour in sexual relationships.

The teaching of *Personal Social Career Education* is mandatory for both state and non-state schools.

### **3.3 Vocational Training and Professional Development**

As part of the project *Full Cooperation: Zero Violence*, focus was given on strengthening the training for relevant professionals who dealt with victims or perpetrators of all acts of violence, on the prevention and detection of such violence, on equality between women and men, the needs and rights of victims and on how to prevent secondary victimisation. The aim of this training was to encourage professionals to work together to allow for a comprehensive and appropriate handling of referrals in cases of violence. The training aimed to broaden the skills of professionals with greater awareness, sensitisation and knowledge on how to behave with victims and how to better identify victims of

violence. It also allowed for the strengthening of coordination in the provision of all related services to reduce the risk of repeat victimisation and increase prevention.

For this reason, a personalised training programme for professionals was developed by the National Centre for the Study and Prevention of Violence and Abuse (NCSPVA) at the University of Worcester. The training was divided into three Stages: Stage 1, Stage 2 and Stage 3: Train the Trainer. Stage 1 was delivered three times for nine groups throughout 2017 and another two groups in January 2018. In total 716 professionals have completed this three-day training programme. Participants who completed Stage 1 of the training were re-invited for Stage 2 which was delivered in 2018. In total, 600 professionals have completed the additional three days of Stage 2 training. Stage 3 training was specifically designed for professionals who have the capacity and motivation to train their peers and colleagues and, for this, 98 professionals completed a one-day train the trainer programme.

Professionals who attended the training include (refer to Annex 16):

- Doctors and nurses from A&E Department, PHC and Gozo Hospital,
- Midwives and gynaecologists,
- Social workers,
- Psycho-social professionals, PSCD and guidance teachers,
- Legal Aid lawyers and professionals from the Department of Justice,
- Judges and magistrates,
- Probation officers,
- Police officers,
- Professionals from NGOs,
- Other professionals (including from MEAE, UOM, CGBVDV and CRPD).

A table including information regarding training given to professionals employed with the FSWS is available in Annex 17.

Restorative practice is being applied by the Anti-Bullying team in their day-to-day work within schools. Restorative justice theory emphasises repairing the harm caused by inappropriate misbehaviour and provides ways to effectively address bullying behaviour and conflict issues in schools. In 2018 twenty MEDE personnel attended training in this area. These included the anti-bullying team, education officers for PSCD, college prefects of discipline, Learning Support Centre co-ordinators and the social, emotional and behavioural difficulties (SEBD) specialists. The training was delivered over five days by Dr. Lyn Russell. Additionally, 102 practitioners from Church schools (PSCD teachers, guidance teachers, counsellors, social workers, youth workers, psychologists, HoDs for inclusion, youth workers,

career advisors, autism support teachers and dyslexia support teachers) attended training on addressing violence and bullying in schools. The training delivered by the Anti-Bullying team within the NSSS included hands on workshops on restorative justice. A less intensive session was delivered to heads of school.

### **3.4 Work with offenders – Domestic violence**

The Managing Abusive Behaviour (MAB) service, run by the FSWS, currently consists of three main services. The Domestic Abuse Intervention Programme (DAIP) (previously known as Men's Services) which was set up in 1994, and at that time only targeted male perpetrators. In 2015, the National Audit Office (NAO) recommended a service for women who engage in abusive behaviour which led to the Women Who Use Force (WWUF) service being set up. Lastly, the Child to Parent Violence (CPV) Service was set up in 2017. During 2017 and 2018, the MAB service was made up of one coordinator, one part-time social worker and four contracted group facilitators who are all provided with support and supervision on a regular basis (refer to Annex 2).

#### ***Services for male perpetrators***

The DAIP aims to assist male perpetrators who are abusive in intimate relationships to become aware of, understand and take responsibility for their behaviour with the aim of initiating behavioural change. This is done through a group programme which spans over 28 weeks. Prior to being accepted into the programme, perpetrators hold individual sessions with a professional who will assess their suitability for the group. The service also liaises with the Domestic Violence Unit (DVU) to provide a feedback loop regarding the progress of the perpetrator. The service users are also provided with a social work service when required. Following the group programme, the participants are also encouraged to receive continued support through an open support group. Support on an individual basis is also provided in times of crises. In 2017, six of the initial twelve participants completed the programme which started in 2016. In 2018, six of the initial twelve participants completed the programme that started in 2017.

#### ***Women Who Use Force***

This service was set up in 2015 and was constructed on the belief that some women can resort to using force within an intimate relationship because they feel the need to gain short term control on specific abusive relationship dynamics. The assistance was meant to be provided within a group setting following a thorough assessment of the situation, however, this has not taken place since there were never enough persons to initiate a group. In fact, in 2017, the service received only four referrals

and only one woman was assessed and confirmed as eligible for the service. In 2018, there was only one referral, but the referred client decided not to use the service.

### ***Child to Parent Violence Services***

This service was launched in late 2017 and started operating in January 2018 and targets child to parent violence (CPV). Since its inception it has received fourteen referrals which required in-depth interventions where the aspect of CPV is concerned. Other cases which require less targeted intervention are then followed-up by other services including, but not exclusively, the DVU. Work targeting CPV, which is mainly concerned with the aspects of secondary and tertiary prevention, is deemed necessary since it tries to target possible intergenerational transmission of violence or the repetition of experienced or witnessed behaviour.

These services are considered as a continuum of service aimed at ensuring the safety and well-being of the victims, mostly women and children. Therefore, they ensure that the work with perpetrators continues to meet the needs of the victims and the children involved. The MAB service receives voluntary as well as court mandated referrals. When necessary it consults and refers to other services, such as Psychological Services of FSWS, other services within FSWS or Mental Health Services. With respect to court mandated cases, liaison is conducted with services, departments and entities including the DPP and the Court. Given the size of the island, the geographical distribution can be considered of good coverage since the services are rendered in the centre of Malta.

In 2017, the MAB service handled a total of 111 cases and 119 cases in 2018. Furthermore in 2017 and 2018, the MAB service received 39 and 34 new referrals and re-contacts respectively (refer to Annex 3).

As explained above, these services are viewed as part of a continuum of services aimed at keeping women and children safe from DV. This work is therefore conducted alongside the services offered to victims and children who witness domestic violence, namely the Domestic Violence Hub (which was officially launched in 2019 but all its planning and organisation took place in 2018) and the DVU. The coordination between units has been ongoing since their inception, and the services for perpetrators and those for victims are run by the same service area leader. This means that when male perpetrators are undertaking the DAIP, their partners/spouses are invited to attend support groups aimed at ensuring consistency and continuity in the provision of protection and safety of the women and children involved.

During the group sessions as part of MAB, themes such as patriarchy, misogyny and gender roles are addressed. The aspect of fathering is also discussed, however within a group setting, in-depth work

on this area is not possible therefore whenever more work with the client on this is required, the men – and when it is safe, the couple – are referred to services which deal with parenting and familial aspects in more depth, such as Positive Parenting, Co-Parenting, Family Therapy, and Home-Based Therapy offered by FSWS. This is done following an in-depth assessment, which does not only assess the eligibility for these services, but also the safety and well-being of the victims and their children. This is also done in collaboration with the DVU. This measure is also considered as a form of prevention which enhances the aspect of protection. This is because men are not only being challenged in terms of their abusive beliefs, behaviour and attitude but are also challenged to become responsible fathers who meet the best interests of their children.

The MAB programme also tackles attitudes and beliefs that impact the context of domestic violence. For instance, aspects of gender inequality are outlined. These components are essential in combating violence against women and DV. This is a challenging aspect since the work entails challenging dominant discourses, cultural attitudes, prejudice and stereotypes which continue to shed light on victim blaming and gender inequality. Thus, the importance of working with different services on a micro and meso level, as well as interventions on a macro level – that is policy and legal framework – remain a priority.

These programmes are funded by the Government through the budget for the FSWS (refer to Annex 4). Regarding the impact of these programmes, currently every programme is evaluated by the person receiving the service, as well as by the feedback from the partner/spouse concerned. Where formal evaluation is concerned, throughout 2018, the service has been working on a strategy which aims at meeting the emerging needs of victims and children. This strategy includes the services for perpetrators, which is an integral part of the continuum of services. In view of this, once this strategy is implemented the service will be evaluated.

Within the DPP, The Psychology Unit consists of two forensic psychologists who are primarily tasked with carrying out assessments and offering interventions to offenders currently under supervision. The unit receives referrals through the Court, the Parole Board or directly through the probation officers. Once referred, offenders undergo a psychological assessment, in order to determine their psychological needs. Through the assessment, offenders might be directed towards a programme. As part of its services, the unit offers an anger management programme and a sex offender programme (discussed in Section 3.6 of this report).

The Anger Management programme targets community-based offenders aged 16 years and over. This programme is specifically designed to deal with anger management issues and consists of 9-12

sessions lasting approximately 90 minutes each. Sessions are offered on a one-to-one basis. Following the referral, candidates are assessed for problematic anger by the psychologists delivering the interventions. Candidates who do not score at pathological or clinical levels of anger are directed to more appropriate interventions. Those offenders with severe learning difficulties, who are currently unstable, or have acute dependency/substance misuse issues may not be deemed suitable to follow the programme.

### **3.6 Work with offenders – Sexual violence**

The Community-based Sex Offender Intervention Programme, also run by the DPP, has adopted a modular approach to addressing sexual offending behaviour in offenders aged 16 years and over. An initial in-depth assessment of sexual offenders who are referred to the Psychology Unit is conducted to identify the needs of the offender. Following this, the results of an assessment would help determine which modules the client would benefit from most. Sessions are then offered on a one-to-one basis. All offenders currently being followed by the DPP, for a sexual offence, will be considered eligible for screening. Those offenders who suffer severe learning difficulties, are currently considered unstable or have an acute dependency/substance misuse issue may not be deemed eligible for the programme.

### **3.7 Private sector**

The NCPE awards companies the Equality Mark Certification when employers give priority to gender equality as well as base their management on the potential of the employees rather than on their gender and caring responsibilities. One of the criteria, which is essential to becoming certified, is that of having a sexual harassment policy in place. By May 2019, NCPE awarded the Equality Mark to 91 companies employing over 22,600 employees.

The Equality Mark Certification is valid for two years. Further recertification is valid for three years. The recertification ensures that the company continuously works to respect equality practices and ensures their effectiveness.

NCPE provides training on various topics which fall within NCPE's remit, one of which being sexual harassment. In 2017, seven training sessions on this area were given to employees and students, amounting to 100 participants. Furthermore, in 2018, seven training sessions were also given to 178 participants, namely students and employees. Training provided by NCPE is free for public service employees. Additionally, private sector entities who would wish to be provided with training services from NCPE can do so at a nominal fee which covers the training costs.

A media policy was launched by the CGBVDV in 2017, which provides a set of guidelines to encourage journalists to report GBV and DV by including facts, using recent statistics and experts as sources for proper media reporting.

### **3.8 Sexual harassment in the workplace**

Apart from making use of the traditional media/social media platform to advocate on sexual harassment, NCPE also provides employers with additional help by means of the *NCPE Guidelines for drafting a Sexual Harassment Policy* which is available on NCPE's website<sup>13</sup>.

The Department for Industrial and Employment Relations (DIER) was set up with the aim to protect the interests of persons in employment while promoting a healthy employment relationship. Apart from lodging a complaint with a respective Union, persons may also lodge a complaint with the DIER which would then be referred to the Industrial Tribunal.

Any worker that has suffered sexual harassment in the workplace can lodge a complaint to the Industrial Tribunal. The Industrial Tribunal shall hear such complaint and carry out any investigations as it shall deem fit. The Industrial Tribunal is a juridical Tribunal made up of a Chairman and two members (one representing workers' interests and the other employers' interests). The referral must be presented in the Registry of the Tribunal at the Law Courts within four months from the effective date of the alleged breach.

### **3.9 Further actions**

NCPE developed tools on different forms of violence against women following research on the respective topic. With respect to the research study *Female Genital Mutilation in Malta*<sup>14</sup>, NCPE published two leaflets; one for healthcare professionals and the other for migrant women. The latter was published in Maltese and English<sup>15</sup>, Arabic, Somali and Tigrinian to cater for a larger multicultural audience.

With regards to the *Research Study on Violence on Older Women and Men*, as well as the *Research Study on Violence, Harassment and Bullying in Schools*; NCPE published posters on the subject that

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<sup>13</sup> NCPE (2009). Sexual harassment policy outline. Available at [https://ncpe.gov.mt/en/Documents/Our\\_Publications\\_and\\_Resources/Resourses\\_and\\_Tools/Guidelines/sexual\\_harassment\\_guidelines.pdf](https://ncpe.gov.mt/en/Documents/Our_Publications_and_Resources/Resourses_and_Tools/Guidelines/sexual_harassment_guidelines.pdf)

<sup>14</sup> NCPE (2015). Female genital mutilation in Malta – A research study. Available at [https://ncpe.gov.mt/en/Documents/Projects\\_and\\_Specific\\_Initiatives/Forms%20of%20Violence/Report%20-%20FGM.PDF](https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Forms%20of%20Violence/Report%20-%20FGM.PDF)

<sup>15</sup> NCPE (2015). Female genital mutilation: Information leaflet for healthcare professionals. Available online at [https://ncpe.gov.mt/en/Documents/Projects\\_and\\_Specific\\_Initiatives/Forms%20of%20Violence/FGM%20Leaflet\\_EN.pdf](https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Forms%20of%20Violence/FGM%20Leaflet_EN.pdf).

were disseminated to Day Care Centres for the Elderly and all secondary schools around Malta and Gozo respectively<sup>16</sup>.

## **4. Protection and support**

### **4.1 Access to information**

Further to the information provided to the general public in the awareness campaigns mentioned in Section 3.1, access to information is conveyed continuously from sources where they are more likely to reach those who are in need.

All health centres within Malta and Gozo are provided with posters and leaflets regarding DV. These are made available within the waiting rooms for the general public to access. In the waiting rooms one also finds small cards with a list of contact numbers. In the treatment rooms, lists of important contact numbers are also made available. In May 2018, the Well Women Clinic within Primary Health Care (PHC) introduced a new service called Maternal Health Needs Assessment Clinic. Prior to being visited by the doctor, all antenatal or postnatal women are assessed holistically on a one-to-one basis by the midwife. For this assessment, a standard tool (PHC307 - Maternal health clinic screening and advice) is used in which direct questions are asked in relation to emotional, physical and sexual abuse. Each client is informed about the available services at Aġenzija Appoġġ, at Mater Dai Hospital (MDH), as well as at respective NGOs. This service kick started at the Floriana Health Centre and has now expanded to another two Health Centres (Kirkop and Qormi).

In order to provide information to Malta's migrant community, the Practice Nurse within the Migrant Liaison Office continuously works with government departments, agencies and other relevant institutions to address issues pertaining to migrant health. Their role is to provide health education sessions to migrants within the open centres and to assist migrants in accessing health care through the right channels. Training is also carried out for health care professionals, social care professionals and University students on the topic of *Cultural Issues in Health Care* (such as FGM, GBV and human trafficking). Translated material such as booklets and posters which are distributed, contain information on different health topics. The service of cultural mediators for Somali, Arabic, Tigrinya and Amharic languages are also available on certain week days in a PHC setting.

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<sup>16</sup> More information on the campaigns is available from [https://ncpe.gov.mt/en/Pages/Projects\\_and\\_Specific\\_Initiatives/Forms\\_of\\_violence\\_in\\_Malta\\_a\\_gender\\_perspective.aspx](https://ncpe.gov.mt/en/Pages/Projects_and_Specific_Initiatives/Forms_of_violence_in_Malta_a_gender_perspective.aspx)

To ensure that women victims are sufficiently informed about legal aid services as according to Article 19 of the Istanbul Convention, Legal Aid Malta have disseminated information through all Police regional offices and all Local Councils in Malta. Furthermore, the agency's website<sup>17</sup> provides information about legal aid services including information on what is available to victims. The website is accessible to all persons and provides national support services. Providing access to information and legal advice are also enshrined within Article 57 of Chapter 581<sup>18</sup> and Articles 4, 10 and 16 of Chapter 539<sup>19</sup> of the Laws of Malta.

The FSWS also disseminates information on DV, support services and legal measures available. This is done through the media, through outreach in court and in various other settings (refer to Annex 5 for more information). As well as online information and leaflets being distributed to the general public, targeted dissemination is also conducted. Information is provided to venues where women meet up, such as to members of women's movements. In 2018 information was also given directly to students at secondary and post-secondary level. In 2017 and 2018 the Domestic Violence Service (DVS) was present at one of the local community services to provide information on the dynamics of DV and what services are available to those affected. The DVS also provides support to the extended social network of those suffering from DV, such as family, colleagues, priests and neighbours. These persons are provided with information, not only on the service available, but also on how to support the individual victim to access the services. The service also provides consultancy to various other professionals where the aspect of DV is concerned.

The FSWS also distributes information to professionals with the aim of enhancing the process of identification of referrals and cases, while also making use of these channels to further disseminate information to those who may need it. This includes general practitioners, lawyers, General Workers Union members and professionals working within the sector of migration and GBV. Throughout 2017, various out-reach interventions took places within the education sector where information was exchanged with professionals from the Education Department.

## **4.2 Access to general help services**

The support services offered by the DVU are mainly utilised by women and children. This support is predominantly focused on the following areas:

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<sup>17</sup> More information on LegalAid may be accessed at [www.legalaidmalta.gov.mt](http://www.legalaidmalta.gov.mt).

<sup>18</sup> § 57 of CAP 581 (Gender-Based Violence and Domestic Violence Act)

<sup>19</sup> § 4, 10, and 16 of CAP 539 of the Laws of Malta (Victims of Crime Act). Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12306&l=1>.

- Identification of risk factors,
- Identification of protective factors,
- Safety planning,
- Provision of shelter services,
- Any other support which is deemed necessary in accordance to the needs assessment that is carried out with each service user. This may mean a referral to any of the following services: psychological, health, legal or any other service,
- The children of the victims of DV are also supported through direct and indirect interventions through an MOU with the Education Services within MEDE.

Support services for victims of DV are provided on a 24/7 basis through the service of the *After-Hours Emergency Services*. Where the island of Gozo is concerned, the provision of a 24/7 service for victims of DV is also available. This service started in late 2018. Aġenzija Appoġġ is mainly involved with the provision of shelter services (discussed in Section 4.4 of this report), where women and children experiencing DV are not only provided with a roof over their head but with various types of support services. These include emotional support, psychological support, employment engagement support, access to community services and long-term housing. In addition to this, the DVS also liaises with the Housing Authority in order to support its service users to access long-term affordable housing. Most of the work is done through accompanying service users when necessary, as well as presenting reports (with consent) on the circumstance of the service user which support the eligibility for such services.

Service users are supported by DVS professionals to access financial support through the Department for Social Security (DSS). Professionals within the DVS liaise and collaborate with the DSS and, with the consent of the clients, share information on a need to know basis in order to prevent the client from experiencing secondary victimisation. Until the financial assistance is initiated, the victims are supported to access their basic needs through various community initiatives. This aspect remains a priority especially where basic needs are concerned. Moreover, victims of domestic violence may also avail themselves of social loans<sup>20</sup>.

Referrals are made to the entities providing education and training, namely, but not exclusively to Jobs Plus (national employment agency). At times, this means accompanying the user to access such services. This liaison is necessary as it supports the reintegration of users within the labour market. This can be done through telephone interventions, accompanying service users for meetings, and referring to employment advisors for them to be guided in accessing schemes which they are eligible

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<sup>20</sup> More information on Home Assist Loans can be accessed at <https://housingauthority.gov.mt/en/Pages/Schemes/Home-Assist-Scheme-BOV.aspx>.

for. There are times when service users are supported either by the shelter services or by the professionals within the DVS to prepare for a job interview and to access child care services for example; since these are necessary in the initial employment engagement as well as for maintaining employment.

Where legal services are required, the service users concerned are referred to either Legal Aid Agency or to NGOs providing legal services. Legal Aid can assist when a victim is referred, or voluntarily seeks the service. An appointment is set with a resident Advocate for Legal Aid who will give the service user relevant legal information and advice regarding their situation. Depending on the resultant facts, the Advocate for Legal Aid will then ensue to prepare and present legal documents at Court for the provision of a legal aid lawyers assistance. Furthermore, the professionals from the DVS (DVU and MAB staff) are present during all the Domestic Violence Court Sittings. This presence is a form of out-reach intervention for both the victim and the perpetrator services. The professionals also make themselves available for any other support that may be required through the course of such procedure. They may also be required to give witness in Court.

Aġenzija Appoġġ provides services which focus on the aspects of custody and child visitation rights. The Supervised Access Visits and Court Services are involved through a Court Decree. Their assessments take into consideration the aspect of violence against women especially DV as well as the safety of the women victims and the children concerned. These assessments put forward recommendations to the Court. Apart from the necessary assessments, these services also provide the actual Supervised Access Visits (SAVs).

When required, all service users may be referred to the Psychological Services or to the Home-Based Therapy Services, both within FSWS. The clients are also referred to other governmental organisations such as the Health Department and NGO's which provide such services, for instance, Victim Support Malta (VSM). The services continue to collaborate in order to ensure that the clients are being served in a holistic manner through sharing of information and referrals, again with the client's consent.

Service users are also supported to access health and mental health services when and if necessary. Throughout 2018, a protocol between the Health Services and FSWS was being formulated to enhance their collaboration for the best interest of the service users. The SOP titled *Inter-Agency Protocol regarding Adult Victims of Domestic Violence between the Domestic Violence Services, Għabex Shelter, Out of Hours Emergency Services, Care for Victims of Sexual Assault Team and Supportline 179 within the Foundation for Social Welfare Services (FSWS) and Primary Health Care*, originally created in 2017, was updated in January 2019 to be in line with the new legislation. This SOP was made accessible to

all health care professionals within PHC. As part of the SOP, any woman who is suspected of having suffered from DV is offered immediate medical support and assessed in private in order to provide liberty to express any concerns. If it is found that sexual abuse was involved, the patient is referred to the obstetrics and gynaecological department for further multidisciplinary support. Social workers are also available according to the arising needs. In line with the SOP, health care professionals are legally bound to report all cases of alleged violence or abuse, whether it has been disclosed or is suspected/visible, and irrespective of the extent and nature of the injury. Such cases are reported to Aġenzija Appoġġ and the police, irrespective of the client's consent.

Where the aspect of intersectionality is concerned, the DVU collaborates closely with other specialist services. For example, in cases of disability, the service liaises with specialist services within the area of disability. Where migrant women are concerned, the service liaises with the Office of the United Nations High Commissioner for Refugees (UNHCR), the Jesuit Refugee Service (JRS) and the Migrant Women Association depending on the nature of the situation being dealt with. Some of this collaboration is regulated by an agreement as in the case of work with elderly. FSWS provides other services where other forms of violence are concerned. Below is a list of other services provided by FSWS which deal with other forms of violence.

#### ***Violence against women and girls facilitated by technology***

Cyberviolence is covered through the services of the *BeSmartonline*, an initiative coordinated by Aġenzija Appoġġ, the Malta Communications Authority (MCA), the Office of the Commissioner for Children and the Education Department. Since 2010, Aġenzija Appoġġ has been responsible for the Hotline and Helpline within the safer internet centre through which cases of child sexual abuse material (CSAM), grooming and other internet related violence are tackled. Moreover, apart from dealing with the reporting of CSAM online and with one-to-one cases, the *BeSmartonline* team members also act as consultants to other teams within the same agency, such as the DVU and Child Protection Services (CPS) when their service users are also experiencing online violence. The hotline has an MOU with the MPF and has a good working relationship with the Cyber Crime Unit. This MOU was signed in 2012. Training with the Cyber Crime Unit is held jointly for both parties in order to strengthen the working relationship and to offer a better service to the clients.

#### ***Femicide/Femicide***

The work of the DVS is mainly concerned with the prevention of femicide through its extensive protection services. The Psychological Services of FSWS are also involved should the children who

witness or experience the femicide of their mother or someone close to them require support following such a traumatic event.

### ***Child, early and forced marriages***

The CPS investigates early marriages and adult forced marriages which are referred to them. The DVS supports the victims concerned, especially if safety and protection are required. This is usually done through its operational mechanism where following a thorough assessment, an intervention plan is formulated.

### ***Female genital mutilation***

In case of children who are at risk of FGM, CPS would investigate as per its operational procedure which may entail referral to the Paediatric services. In cases of adult victims of FGM, the current legal mechanism, that is, Act 1 of 2014<sup>21</sup>, will be applied. This Act covers all liabilities imposed on persons found guilty of performing FGM, enforced sterilization or forcing anyone to enter into a marriage contract.

### ***Trafficking of women and girls***

Where children are concerned, the CPS investigates and follows these cases accordingly. In cases of adult victims of human trafficking, the DVS follows the cases of trafficking for the scope of sexual exploitation whilst the Intake and Family Support Services follows the rest of the cases of human trafficking.

### ***Other harmful practices***

In situations of harmful practices not mentioned above, the FSWS liaises with specialist services, for example Health services, JRS, UNHCR and Legal Services depending on the situation and the harmful practices being reported.

In 2017, the DVU worked with 971 cases of DV, whilst in 2018, there were 1,007 cases (refer to Annex 6). The social work service rendered through the Care for Victims of Sexual Assault service (formerly known as SART) worked with 13 cases in both 2017 and 2018. The NGO that runs this service may work with other cases through referrals from psychological and legal support services, while the social

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<sup>21</sup> Act 1 of 2014 of the Laws of Malta amending CAP. 9 of the Laws of Malta (Criminal Code) regarding FGM, enforced sterilisation and forced marriage. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=25906&l=1>

work service is provided by Aġenzija Appoġġ. For numbers of DV victims recorded by Health Centres refer to Annex 7.

### **4.3 Support with individual and collective complaints**

When members of the general public call the CGBVDV for information or to make complaints, the Commission refers such cases to national entities responsible for providing support to victims (upon victim's consent). Referrals can be made to Aġenzija Appoġġ, the MPF, the Legal Aid Agency and PHC/general hospital. As the coordinating body, the CGBVDV is responsible for policy development and implementation as well as fulfilling its functions as stipulated in Chapter 581<sup>22</sup> of the Laws of Malta. Thus, the remit of the Commission does not include the provision of services for victims of GBV and DV or the auditing of services available to victims.

### **4.4 Specialised support services**

The Għabex Emergency Shelter was set up in October 2000. Its aim is to provide an immediate safe environment for female victims of DV and their children who require immediate protection. The shelter programme is based on the belief that women and children have a right to protection from violence and abuse and that any woman, regardless of socio-economic background, status and age, may be subjected to abuse. The women's stay at the shelter is aimed at a maximum period of three months, after which service users will move on to a second stage shelter, or to any alternative accommodation that would have been identified during their stay at Għabex. During these three months, staff at Għabex support the women in their daily needs and will also work with them to draw up an action plan for their future.

FSWS manages Għabex Emergency Shelter, which has 14 beds available for female victims of DV and human trafficking and their children. Presently the number of shelters is deemed sufficient to meet the current the demand. In order to ensure that the shelter services continue to meet the future needs of the victims of DV and violence against women, new premises have been identified.

Victims and their children are never denied shelter and in situations where the shelters were full, an alternative has always been found. This is further enhanced through the Public Social Partnerships (PSPs) which consist of agreements between the government and the NGOs offering such support services (referred to further down in this section). For information on the number of paid staff refer to Annex 8. Għabex is run 24/7, meaning there is always a worker on duty who is available to support the users. The shelter is located in the centre of Malta, is physically accessible and is situated in a

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<sup>22</sup> § 13 of CAP. 581 of the Laws of Malta.

location which is accessible by public transport. It is relatively close to health centres, schools, police stations and other general amenities.

The units involved tailor their approach depending on the situation they encounter when dealing with victims and any possible children. The service often encounters situations where the roots of DV are gender-based. In those situations, the interventions carried out with the victims and the perpetrators are based on appropriate social work models. The state shelter, Għabex, applies the concept of women helping women in its day-to-day running. All FSWS services are regulated by a Manual of Policies and Procedures which ensures the safety of the victims and the children, if any, concerned. These manuals and guidelines continue to be updated so as to meet the emerging contemporary needs of the victims and children. Għabex also caters for women who have experienced human trafficking. All women can access these shelters irrespective of their age, sexual orientation and abilities.

In 2017, Għabex Emergency Shelter provided emergency shelter for 58 female victims of DV who were accompanied by 34 children. In 2018, the service provided emergency shelter for 55 female victims of DV who were accompanied by 18 children. These also include cases of human trafficking and more information on the breakdown can be found in Annex 9. The Għabex Emergency shelter is state funded through the budget of FSWS, whilst the NGO-run shelters are funded and regulated through a PSPs between the respective NGO and the Government of Malta. Refer to Annex 10 and 11 for details on the cost of Għabex Emergency Shelter and costs of each PSP agreement pertaining to services given to DV service users. The other shelters available for use are:

- Fondazzjoni Merħba Bik (Emergency Shelter) and Fondazzjoni Sebh (Second Stage Shelter):  
These are run by the church and are funded and regulated by a PSP agreement between the NGO and the Government. More information can be found on the websites of Fondazzjoni Merħba Bik<sup>23</sup> and Fondazzjoni Sebh<sup>24</sup>.
- Fondazzjoni Suret il-Bniedem and YMCA:  
These are officially homeless shelters; however, they also provide shelter to women and children who are victims of DV. Their services are only used when no safety issues are identified. These are also funded and regulated by a PSP agreement between the NGO and the Government.
- Dar Emmaus:

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<sup>23</sup> Further information on *Fondazzjoni Merħba Bik* can be accessed from <http://darmerhbabik.org/>.

<sup>24</sup> Further information on *Fondazzjoni Sebh* can be accessed from <http://www.sebh.mt/>.

Located in Gozo, this shelter is run by Fundazzjoni Kenn u Tama and offers support to victims of DV. It is funded and regulated by a PSP agreement between the NGO and the Government.

All shelter services request a contribution however those who cannot afford to pay for the contribution are still provided with the necessary services. At times, persons who do not have any income are also supported to fulfil their basic needs especially where the aspect of health is concerned. Clients may be asked to fund these expenses; however, this depends on their financial situation.

The Departments and Ministries involved with the running of the shelters meet during the Inter-Ministerial meetings organised by the CGBVDV. In addition, the state services Għabex Shelter and the DVS meet with other organisations, such as NGOs during the Forum Meetings, previously known as Shelters' Meetings, which take place every three months. These meetings aim at ensuring and safeguarding the necessary cooperation and coordination of the stakeholders involved in the area of DV. During these meetings, work updates, projects or issues being experienced in the sector are discussed amongst the stakeholders involved. In order to enhance this co-ordination, FSWS has been planning the formulation and/or formulated various Protocols and MoUs with specific services.

#### **4.5 Helplines**

Supportline 179 started in 1996 and is a free, state-run and nationwide helpline. It is a general support line and it does not only cover cases of DV but also different cases and crises, including child abuse. The service is fully funded by the State and costs about a quarter of a million euro annually with most of the cost going towards salaries and the running of the service.

There is a process by which full-time employees and volunteers are recruited to operate the service. They are all thoroughly screened, professionally trained and supervised by social workers and psychology officers. In December 2018, the FSWS employed seven full-time employees to strengthen this service. These full-time employees work in parallel with the volunteers who in the previous years have handled the helpline. As is done with all the Foundation's employees, they also go through the Protection of Minors Act (POMA)<sup>25</sup>. Both full-time operators and volunteers work under the guidance and supervision of a team of six social workers and a psychology officer. Weekly individual and onsite supervision is provided to the operators, together with a monthly support group to make sure that the service can meet more of people's needs and that whoever calls is able to receive the required service.

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<sup>25</sup> Chapter 518 of the Laws of Malta (Protection of Minors (Registration) Act). Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11815&l=1>.

Supportline 179 also has a pool of supervisors who are on-call on a 24/7 basis. These supervisors are all warranted social workers who can be contacted over the phone to guide the telephone operator/volunteer in difficult cases, especially where there are complex ethical dilemmas. This system facilitates good standards in the resolution of ethical dilemmas, thus aiming at identifying ways of maintaining that the victim and the children are safe both physically and emotionally, especially in crisis situations. Each telephone operator/volunteer must attend individual supervision sessions with their supervisor, support groups and training opportunities as deemed necessary by the Agency. Such training includes specialised training on DV and GBV with the last training focused on this area being delivered in November 2018.

Every person who phones on Supportline 179 has the right to remain anonymous. Each call is treated in a confidential manner and the calls are not recorded. The telephone operators and volunteers are required to log each call in a database which is password protected. This is done in order to ensure that necessary data is kept as evidence for cases which may eventually go to court. Such a system is also in place in order to ensure that any patterns of abuse and risks factors for the victims are clearly identified at an early stage. Moreover, if the caller wishes to receive further assistance, for instance, if in cases of DV, the case is then followed up and referred to the designated unit. Such sharing of information is intended to move away from a fragmented approach towards a more coordinated approach in combating violence against women and DV.

Out of the 8,895 calls received in 2017, 448 presented with issues of DV, equating to 5 per cent of all calls received. In 2018, 9,010 calls were received, and 603 of these presented issues around DV, which amounts to 7 per cent of all calls received.

#### **4.6 Affected children**

Children who witnessed DV are also supported by the DVU and the shelter services when residing within the shelters. In specific circumstances, where there is high risk on the life of the child/children concerned, the CPS are involved. However, this is done in specific and extreme circumstances and where safeguarding of the minor(s) concerned is necessary. Other services may be involved in supporting the children who witness DV. These include the FSWS Family Therapy Services and the Home-Based Therapy Services; however, these services are only involved once the context no longer contains specific risks factors. This is done to ensure ethical practice where the principles of protection of life and least harm are concerned.

The NSSS offers a range of personalized support services to students who can be considered as the secondary victims of GBV. Recognising and responding to the special needs of children who witness

DV is essential in any effort to reduce or prevent cycles of abuse. This work is regulated by an MoU with the Education Services.

Apart from this service, within the context of schools run by the Catholic Church, the Secretariat for Catholic Education (SfCE) Student Services also provide interdisciplinary psychological and social services to their students. While their main clients are the children within their schools, the team of professionals design a care plan involving all family members after a systematic review of the information available. The SfCE psychosocial practitioners work collaboratively with other entities such as NSSF and services within FSWS such as CPS, DVS and Positive Parenting. The interdisciplinary team intervenes to ensure the safety of the children in church schools, any siblings out of school or in a state school, as well as that of any other family members who are at risk. Once the safety of all family members is restored, the psycho-social team involved (SFCE, NSSF, CPS and/or DVU) designs the care plan.

While SfCE professionals work mainly with the children who have witnessed DV, the school social worker keeps in contact with both the family itself, and other professionals working on the case. In cases where the family is relocated to a shelter or a new residence, the school social worker monitors the transition and provides support according to the specific needs. This may include basic needs (food, clothes, uniforms and school books for example), family therapy and/or parental coaching. The school social worker works collaboratively with the social worker from FSWS assigned to the case.

## **5. Substantive law**

### **5.1 Legal framework**

On the 30th of April 2018, following extensive research and public consultation amongst government and non-government entities as well as the general public, Act XIII of 2018<sup>26</sup> was introduced in order to strengthen the legal framework with regards to violence against women (refer to Annex 1). This was named the Gender-Based Violence and Domestic Violence Act and specifically aimed to address GBV including violence against women. With its introduction, Maltese law gives full effect to the provisions of the Istanbul Convention, except for the two reservations<sup>27</sup> made, by means of the:

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<sup>26</sup> Act XIII of 2018 of the Laws of Malta. Available at <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29057&l=1>

<sup>27</sup> COE (2019). Reservations and Declarations for Treaty No.210. Available at [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/declarations?p\\_auth=N9eJLhtt](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/declarations?p_auth=N9eJLhtt).

- *Gender-Based Violence and Domestic Violence Act* (Cap. 581)<sup>28</sup>,
- *The Criminal Code* (Cap. 9)<sup>29</sup>,
- *The Civil Code* (Cap. 16)<sup>30</sup>,
- *The Police Act* (Cap. 164)<sup>31</sup>,
- *The Probation Act* (Cap. 446)<sup>32</sup>,
- *The Restorative Justice Act* (Cap. 516)<sup>33</sup>,
- *The Victims of Crime Act* (Cap. 539)<sup>34</sup>,
- *The Criminal Injuries Compensation Scheme Regulations* (Subsidiary Legislation 9.12)<sup>35</sup>,
- *The Civil Court (Family Section), the First Hall of the Civil Court and the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) Regulations* (S.L. 12.20)<sup>36</sup>.

Together, the above legislation incorporates all the principles enshrined in the Istanbul Convention and makes them legally binding on the State and for private individuals. The two reservations made deal with Article 30(2) and Article 44(1)(e) of the Istanbul Convention.

## 5.2 Implementation measures

A personalised training programme for professionals was developed as part of the project *Full Cooperation: Zero Violence*, giving special attention to Act XIII of 2018 in order to bring professionals up to speed with the latest changes within the Maltese legal framework. This training was delivered as part of the Stage 3 training mentioned previously in Section 3.3 of this report, where 98 professionals had completed this one-day training. This training was delivered by the HRID's Legal Unit and focused on:

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<sup>28</sup> CAP. 581 of the Laws of Malta. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12830&l=1>

<sup>29</sup> CAP. 9 of the Laws of Malta. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574>

<sup>30</sup> CAP. 16 of the Laws of Malta. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8580>

<sup>31</sup> CAP. 164 of the Laws of Malta. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8686>

<sup>32</sup> CAP. 446 of the Laws of Malta. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8912&l=1>

<sup>33</sup> CAP. 516 of the Laws of Malta. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11813&l=1>

<sup>34</sup> CAP. 539 of the Laws of Malta. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12306&l=1>

<sup>35</sup> S.L. 9.12 of the Laws of Malta (Criminal Injuries Compensation Scheme Regulations). Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8983&l=1>.

<sup>36</sup> S.L. 12.20 of the Laws of Malta. Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9036&l=1>.

- The pillars of the Convention, and why and how they were translated into national legislation,
- The new and extended role of the CGBVDV,
- The importance of a holistic, coordinated approach to tackling violence in general, as well as specific cases,
- The widened definitions of key terms at law including, but not limited to, GBV, DV and the victim,
- The practical effect of the legal amendments made, in particular the new protection mechanisms for victims of violence.

### **5.3 Civil remedies**

Victims can take civil actions against either the perpetrator and/or the State through the Civil Court should they wish, this can include claims for damages/compensation which is discussed further in Section 5.4 of this report.

Should the Police refuse to investigate a report/complaint, the victim can make an application to the Court of Magistrates for the Police to institute proceedings<sup>37</sup>. If, after hearing the evidence tendered by the applicant, the court is satisfied that the report/complaint is prima facie justified, it shall allow the application and shall notify the Commissioner of Police of the order given to start proceedings.

### **5.4 Compensation for damages**

Malta reserved the right not to apply Article 30(2) of the Istanbul Convention, instead choosing to continue to apply its current legislation regarding State compensation. The Criminal Injuries Compensation Scheme Regulations allow for a maximum payment of €23,300 to the victim(s) of a violent crime<sup>38</sup>. To receive a claim, the victim would need to submit an application, along with a police report, within one year from when the violent crime was committed<sup>39</sup>. Should the court have ordered compensation to be paid to the victim, then this is paid immediately<sup>40</sup>. With any payment, the Government is subrogated in the rights of the victim against the perpetrator and will be considered part of the civil damages sustained<sup>41</sup>.

As part of any judgement, the court can order the offender to pay compensation that it thinks reasonable to the victim for any injury. These payments can be directed to be paid in instalments and

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<sup>37</sup> § 541 of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>38</sup> § 18 of S.L. 9.12 of the Laws of Malta.

<sup>39</sup> § 4 of S.L. 9.12 of the Laws of Malta.

<sup>40</sup> § 12 of S.L. 9.12 of the Laws of Malta.

<sup>41</sup> § 19 and § 20 of S.L. 9.12 of the Laws of Malta.

are enforced in the same manner as if it had been given by a civil action. This is initiated, provided that it does not derogate any rights of the victim from recovering a greater amount by other means<sup>42</sup>.

## **5.5 Custody and visitation rights**

The Judges at the Family Court have the discretion to evaluate and determine custody and visitation rights according to each and every case. Any decision is based upon the specific circumstance of the case and aims to avoid putting children in harm's way and always putting the best interests of the child first. Emergency protection orders can be put in place so that victims, children or both can be protected. Also, visitation rights can be supervised when there is a specific concern about the particular parent exercising such right.

## **5.6 Criminalising violent acts**

### ***Physical and Psychological violence***

The *Gender-Based Violence and Domestic Violence Act* defines DV as follows:

*all acts or omissions including verbal, physical, sexual, psychological or economic violence causing physical and, or moral harm or suffering, including threats of such acts or omissions, coercion, or arbitrary deprivation of liberty, that occur within the family or domestic unit, whether or not the perpetrator shares or has shared the same residence with the victim, and shall include children who are witnesses of violence within the family or domestic unit;*

The same Act also defines GBV as follows:

*all acts or omissions that are directed against a person because of their gender, that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;*

Physical and psychological violence has also been criminalised under Chapter 9 of the Laws of Malta<sup>43</sup> by the means of:

*Whosoever shall use violence, including moral and, or, psychological violence, and, or coercion, in order to compel another person to do, suffer or omit anything or to diminish such other person's abilities or to isolate that person, or to restrict access to money, education or*

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<sup>42</sup> § 24 of CAP. 446 of the Laws of Malta.

<sup>43</sup> § 251 of CAP. 9 of the Laws of Malta (Criminal Code)

*employment shall, on conviction, be liable to the punishment laid down in sub-article (1) of the last preceding article.*

The *Criminal Code* also includes the concept of psychological harm with regards to deciding on compensation for victims.

### ***Stalking***

The *Criminal Code* criminalises stalking by means of Article 251AA<sup>44</sup>. This defines acts of stalking to include, but not limited to, instances of following a person, watching or spying on a person, loitering in any place (public or private), contacting or attempting to contact a person by any means. If these acts amount to the harassment of a person, and is knowingly done so and repeated, causing the victim to fear for their safety, it is punishable by a fine of up to €10,000, imprisonment for a term of one to two years, or a combination of both.

### ***Sexual violence (including rape)***

Maltese Law criminalises acts of sexual violence, including rape, irrespective of who committed the crime. Any individual, therefore including any former or current spouses or partners, may be prosecuted and may be found guilty of such offences. In addition, rape committed by a former or current spouse, civil union partner or cohabitant is considered as an aggravated offence for the purposes of increase in punishment. The age of consent in Malta was 18 years of age, however this was reduced to 16 years of age<sup>45</sup> in 2018, with the passing of the *Gender-Based Violence and Domestic Violence Act*.

Sub-title II of Title VII of Part II of the *Criminal Code* (Chapter 9 of the Laws of Malta) is dedicated entirely to criminalising Sexual Offences, namely:

- Rape (§ 198),
- Abduction (§ 199),
- Defilement of minors (§ 203),
- Inducing/instigating/compelling persons under age to prostitution or participation in pornographic performances (§ 203A-204B),
- Participation in sexual activities with persons under the age of sixteen (§ 204D),
- Unlawful sexual activities (§ 204D),
- Non-consensual acts of a sexual nature (§ 207),

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<sup>44</sup> § 251AA of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>45</sup> § 204C of CAP. 9 of the Laws of Malta (Criminal Code)

- Display of pornographic material in public places (§ 208),
- The taking of indecent material of persons (§ 208A),
- Solicitation of persons under age (§ 208AA),
- Advertising of sexual tourism (§ 208AB),
- Extreme pornographic imagery (§ 208D),
- Non-consensual disclosure of private sexual material (§ 208E)
- Offences against decency committed in public (§ 209).

### ***Forced marriage***

The *Criminal Code* criminalises forced marriage<sup>46</sup> as follows:

*Any person who by force, bribery, deceit, deprivation of liberty, improper pressure or any other unlawful conduct or by threats of such conduct, forces anyone to enter into a marriage shall be guilty of causing a forced marriage and shall, unless the fact constitutes a more serious offence under any other provision of this Code, be liable on conviction to imprisonment for a term from three to five years:*

*Provided that any act so made in contravention of this provision shall be null and without effect at law.*

### ***Female genital mutilation***

The *Criminal Code* criminalises FGM<sup>47</sup> as follows:

*Whosoever, for non-medical reasons, performs an operation or carries out any intervention on a woman's genitalia that damages the genitalia or inflicts upon them permanent changes, shall be guilty of enforced female genital mutilation and shall be liable to the punishment of imprisonment for a term from five to ten years.*

Further to this, should death occur as a consequence of FGM within forty days of the incident, those responsible can be imprisoned for between six and twenty years. If death occurs past the forty days but within a year, then imprisonment would be for a term of between six and twelve years. Consent from the person undergoing FGM does not justify any exemption from punishment and any third party who knowingly fails to avert FGM, by making a complaint or any other manner, can be subject to a fine of between €1,000 and €5,000, or imprisonment for between six months and two years, or a combination of both.

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<sup>46</sup> § 251G of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>47</sup> § 251E of CAP. 9 of the Laws of Malta (Criminal Code)

### **Forced abortion**

Malta criminalises any abortion practice in its entirety<sup>48</sup>, whether the woman consents to it or otherwise, by means of the *Criminal Code* as follows:

*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.*

*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.*

### **Forced sterilisation**

The *Criminal Code* criminalises forced sterilisation<sup>49</sup> as follows:

*Any person who for non-medical reasons, by force, deceit, bribery or threats surgically removes or disables a person's reproductive organs without that person's full and informed consent, leading to sterilization, shall be guilty of enforced sterilization and shall, unless the fact constitutes a more serious offence under any other provision of this Code, be liable on conviction to imprisonment for a term from four to ten years.*

### **Sexual harassment**

The *Criminal Code* criminalises sexual harassment<sup>50</sup> as follows:

*A person who pursues a course of conduct which amounts to harassment of another person; or pursues a course of conduct which he knows or ought to know amounts to harassment of such other person; or subjects another person to an act of physical intimacy; or requests sexual favours from another person; or subjects another person to any act and, or conduct with sexual connotations, including spoken words, gestures and, or the production, display or circulation of any written words, pictures, and, or any other material, where such act, words, and, or conduct is unwelcome to the victim, and could be reasonably be regarded as offensive, humiliating, degrading, and, or intimidating towards that person, shall be guilty of an offence under this article.*

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<sup>48</sup> § 241 – 243A of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>49</sup> § 251F of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>50</sup> § 251A of CAP. 9 of the Laws of Malta (Criminal Code)

Should a person be found guilty of sexual harassment, they are liable to a term of imprisonment for between six months and two years, or a fine of between €5,000 and €10,000, or a combination of the two. However, the article also provides a defence for a person charged if they can prove that the conduct was pursued in order to prevent or detect a crime, was reasonable under the particular circumstances, or was pursued under enactment, regulation, rule, or to comply with any condition imposed by a person under enactment.

## **5.7 Inciting/aiding/abetting**

The *Criminal Code* provides that whoever in any manner aids or abets<sup>51</sup> the perpetrators of any crime shall be deemed to be an accomplice to that crime. The code also criminalises the order or instigation of any crime<sup>52</sup>. Furthermore, unless a higher punishment is provided by specific regulation, an accomplice shall be liable to the punishment established for the principal perpetrator<sup>53</sup>.

## **5.8 Attempt**

The *Criminal Code* specifies that any person who manifests the intent to commit a crime by overt acts which are then followed by the commencement of the execution of any crime, shall be liable to the punishment established for the completed crime with a decrease of one or two degrees, if the crime was not completed in consequence of some accidental cause independent of the offender's will, or for the punishment established for the act committed, if the offender voluntarily ceases in his actions.

## **5.9 Justification and grounds of excuse and privilege**

The fact that the *Criminal Code* does not allow for such elements to be regarded as mitigating circumstances is enough for them to be ignored, in accordance with the principle of *ubi lex voluit, lex dicit; ubi noluit, tacuit*. Furthermore, criminal law provisions apply against any person accused of any crime, irrespective of any relationship between the perpetrator and the victim. Indeed, the *Criminal Code* even states that such relationship may, in specific situations, be considered an aggravating circumstance, and therefore result in higher punishments<sup>54</sup>.

## **5.10 Sanctions and further measures**

As mentioned in Section 5.6 of this report, abortion under any circumstances is a punishable offence under Maltese Law. This extends to any medical professionals<sup>55</sup> who knowingly prescribe or

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<sup>51</sup> § 42(d) of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>52</sup> § 42(a), (b) of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>53</sup> § 43 of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>54</sup> § 202 of CAP. 9 of the Laws of Malta (Criminal Code)

<sup>55</sup> § 243 of CAP. 9 of the Laws of Malta (Criminal Code)

administer the means for a miscarriage to be procured which, if guilty, would be liable to a term of imprisonment of between eighteen months and four years, while being permanently prohibited from exercising their profession. Should anyone cause a woman to miscarry her child through imprudence, carelessness, unskillfulness in their art/profession, or through non-observance of regulations can also be liable to imprisonment for up to six months or be subject to a fine of up to €2,329.37.

### **5.11 Aggravating factors**

The *Criminal Code* lists all the aggravating<sup>56</sup> circumstances mentioned in Article 46 of the Istanbul Convention as being applicable to several crimes, including all those mentioned within the Convention. Should any aggravating circumstances be found within a crime, then the punishment for said crime would be increased by one to two degrees for each aggravation.

### **5.12 Non-custodial sentences**

Alternative dispute resolution, including mediation and conciliation, are not considered for the purpose of criminal proceedings. However, with regards to any civil proceedings, the Civil Court (Family Section), The First Hall of the Civil Court and The Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) Regulations specify that mediation shall not be mandatory and shall be examined on a case by case basis where evidence of violence is presented to the Court. Moreover, mediation is to cease if the mediator becomes aware of any ongoing violence between the parties, and such mediator is to inform the Magistrate of such violence immediately.

### **5.13 Police complaint and conviction statistics**

Refer to Annex 12 and 14 for Police and Court complaint statistics for 2017 and 2018.

## **6. Protection, procedural law and protective measures**

### **6.1 Criminal investigation**

The district police officers are usually the first responding officers who receive information and complaints about cognisable offences. In cases of DV, the district police officer, of the rank of a police constable or a police sergeant, will first take the initial report and conduct preliminary investigations. Depending on the severity of the case, the officer can either issue charges by means of a citation or refer the case up to the Inspector on duty for further investigations and arraign the perpetrator in

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<sup>56</sup> § 202, 208AC of CAP. 9 of the Laws of Malta (Criminal Code)

court by means of arrest. If medical assistance is necessary, the police should make the required arrangements according to the situation. A police report should be taken, even if no medical certificate is provided or the person asks the police not to proceed further with the investigation, since under the *Criminal Code*, DV reports are considered ex-officio<sup>57</sup>.

If a victim calls at the police station in a crisis, the police would go to the house to calm the situation and provide their assistance to ensure the safety of the victim and/or any children involved. The police would then assist in either returning the victim to the residence or seeking assistance from Aġenzija Appoġġ if it deems that a shelter is needed. If the latter is the case, the police should accompany the victim to the shelter, if need be, in the presence of a social worker. In such cases, the police should also accompany the victim to get her personal belongings. After giving immediate assistance to the victim, the police shall offer all victims to be referred to the police Victim Support Unit (VSU) for further support.

The VSU was established in 2017 and offers immediate support and information to victims about what to do and where to find help soon after filing a police report. Staffed by professionals deriving from counselling and youth work, the VSU provides:

- A single point of contact for victims,
- Crisis counselling services,
- Referrals to other support services,
- Ongoing training to police officers on victims-centered practices,
- Effective communication and working relationship with key stakeholders, both government and non-governmental agencies.

The police have an internal circular of procedures to be taken and what services are offered to all victims of crime. Data on interventions can be found in Annex 13.

## **6.2 Risk analysis and risk management**

Following the introduction of the *Gender-Based Violence and Domestic Violence Act*, and its amendments to the *Criminal Code* which came into force in 2018, the police together with Aġenzija Appoġġ are now using the Dash risk assessment tool.

Upon the receipt of any domestic violence report, information or complaint requiring proceedings to be taken against a person or persons, the police officer taking the report shall contact Aġenzija Appoġġ

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<sup>57</sup> § 543 of CAP. 9 of the Laws of Malta (Criminal Code)

for the assistance of a social worker/professional trained by Aġenzija Appoġġ who will be available 24/7 to conduct a risk assessment of the victim/s. Apart from risk assessments, these workers also work on protective factors, safety planning and other forms of interventions which are required at the stage of identification and management of risks. This type of work safeguards the wellbeing of the victims and the children, if any, concerned.

Following such an assessment conducted by the Aġenzija Appoġġ social worker/professional, in the presence of the police officer, if it becomes apparent that the victim is at high risk of harm, the police officer on duty shall then immediately notify their divisional duty Inspector. The duty officer will then request the Duty Magistrate issue a temporary protection order in favour of the victim, stating the grounds for the request and giving the Magistrate all information that will enable them to decide accordingly. The temporary protection order shall be issued once the Magistrate is satisfied that there are sufficient grounds for its issuing.

### **6.3 Interim injunctions**

#### ***Protection order***

Incorporated into law with the passing of the *Gender-Based Violence and Domestic Violence Act*, protection orders<sup>58</sup> are given:

*Where a person (hereinafter in this article and in article 412D referred to as "the accused") has been charged or accused with an offence before the Court of Magistrates whether as a Court of inquiry or as a Court of criminal jurisdiction, the Court may, either ex officio or at the request of any party to the proceedings, on reasonable grounds, for the purpose of providing for the safety of the injured person or of other individuals or for the keeping of the public peace or for the purpose of protecting the injured person or other individuals from harassment or other conduct which will cause a fear of violence, issue a protection order against the accused.*

These can be requested by any party to the proceedings. Before issuing it, the Court takes into account various circumstances such as, but not limited to, ensuring the person requesting it is protected from injury, the welfare of any dependents involved, the accommodation needs of those involved and the circumstances of the case. However, the Court will always issue a protection order if it finds the victim to be at very high risk after the assessment.

When issuing an order, the Court shall outline its formal requirements and communicate these to the Commissioner of Police, who shall then take all actions to ensure the monitoring of the orders

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<sup>58</sup> § 412C of CAP. 9 of the Laws of Malta (Criminal Code)

conditions. The order itself may prohibit the accused from approaching or following the injured party, prohibit or restrict access to premises in which the injured party lives, works, or frequents, or prohibit the accused from contacting the injured party. These orders can remain in force for up to five years, but can be revoked or extended, as seen fit.

### ***Treatment order***

Treatment orders<sup>59</sup> were incorporated into Maltese law with the protection orders and are given:

*Together with or separately from a protection order under article 412C, and provided the court is satisfied that proper arrangements have been made or can be made for treatment, the court may make an order (hereinafter in this article referred to as a "treatment order") requiring a person to submit to treatment subject to the conditions which the court may deem appropriate to lay down in the order: Provided that where any person is convicted with an offence, a treatment order by the court may be made with or without the consent of the convicted person and in the case of a person accused with an offence, a treatment order may only be made with the consent of the accused.*

If at any time during the period that the order is in force it is proven to the court that the person has failed to comply with any of the conditions of the order, the court may impose a fine of up to €1,164.69. The number of orders issued can be found in Annex 15.

## **6.4 Official proceedings**

Any person who may have, through any manner, become aware of any form of violence may give that information to any officer of the Executive Police. The person providing the information to the police may also remain anonymous, however they should clearly state the facts either verbally or in writing. Complaints may also be made by individuals around the victims, such as an ascendant or descendant, a sibling, a spouse, a tutor or carer. The police have the power to initiate criminal proceedings, even without the complaint of the private party, should they need to.

A victim may even request the Court to stay proceedings against the alleged perpetrator. When such a request is made the Court may decide and direct the continuation of proceedings against the alleged perpetrator, giving particular consideration to the best interests of the complainant, any minors involved and any other relevant third parties. Such a request and decision shall be registered in the records of the case.

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<sup>59</sup> § 412D of CAP. 9 of the Laws of Malta (Criminal Code)

## 6.5 Court assistance

While it is only the victim who has legal status and locust standi in criminal proceedings, they can be provided with assistance and support from either the police VSU, Aġenzija Appoġġ or NSO's.

## 6.6 Victims' rights

As per the *Victims of Crime Act*<sup>60</sup> every victim is entitled to a number of rights, these include, but are not limited to:

- Free legal aid service for women victims with no means test being undertaken,
- Knowledge on what type of support they can obtain and where it can be given,
- How, and under what conditions, the victim can obtain protection,
- Available restorative justice services,
- For victims and offenders to be spoken to separately by the police.

This Act also states that a victim is offered the opportunity to be notified when the person convicted is released, or has escaped, from detention. In the case of an escape, the victim will be provided relevant measures to ensure their protection.

In the case of child victims or witnesses, during investigations they are always spoken too in the presence of a guardian or a social worker, depending on the facts of the case. The court may appoint a child advocate in order to best represent the interests of the child involved. During the court process, the courts would also appoint a support person who would assist the child throughout the entire proceeding, this support continues for a suitable period after the conclusion of the proceedings. Any testimony that needs to be given is done through video conferencing.

## 7. Migration and asylum

### 7.1 Residency status

The *Family Reunification Regulations*<sup>61</sup>, which transpose European Union Directive 2003/86/EC<sup>62</sup>, makes it possible for a migrant woman to obtain an autonomous residence permit. Such a permit is issued in the case of the death of a sponsor, difficulties resulting from a marriage breakdown, DV,

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<sup>60</sup> Chapter 539 of the Laws of Malta (Victims of Crime Act). Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12306&l=1>.

<sup>61</sup> S.L. 217.06 of the Laws of Malta (Family Reunification Regulations). Available at <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9561&l=1>.

<sup>62</sup> Council Directive 2003/86/EC on the right to family reunification. Available at <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:en:PDF>

forced marriage or forced return by the sponsor to the country of origin. The validity of the autonomous residence permit issued on the basis of S.L. 217.06 is not affected by the expulsion of the sponsor, especially in the case of an abusive marital relationship. A third-country national may also apply for a temporary residence permit on the basis of humanitarian reasons. Such a residence permit may be renewed if the conditions upon which it was originally issued do not cease to exist.

The *Permission to reside for victims of trafficking or illegal immigration who co-operate with the Maltese authorities' regulations*<sup>63</sup> makes it possible for victims of human trafficking and smuggling to be issued with a residence permit. Residence permits are also issued to third-country nationals whose presence is required in Malta in relation to ongoing investigations or court proceedings. During such period of residence, the third-country national may submit an application for a work permit. There was only one third-country national with an autonomous residence permit issued according to S.L.217.06 as at June 2019. The Maltese authorities issued residence permits on the basis of exceptional humanitarian reasons to five third-country nationals between 2013 and 2018.

## 7.2 Asylum application

Article 2 of the Refugees Act<sup>64</sup> lists acts of a gender-specific or child-specific nature amongst the acts of persecution while Article 19(1)(d)(iii) of Subsidiary Legislation 420.0765 states the following in relation to the ground of membership of a particular social group:

*depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic or sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in Malta. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group.*

## 7.3 Prohibition of refoulement

The examination of an application for international protection is carried out in full compliance with all the current legal provisions in both national and EU law. This entails that the individual position and

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<sup>63</sup> S.L. 217.07 of the Laws of Malta (Permission to reside for victims of trafficking or illegal immigration who co-operate with the Maltese Authorities regulations). Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9562&l=1>.

<sup>64</sup> Chapter 420 of the Laws of Malta (Refugees Act). Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8886&l=1>.

<sup>65</sup> S.L. 420.07 of the Laws of Malta (Procedural Standards for granting and withdrawing International Protection Regulations). Available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10663&l=1>.

personal circumstances of the applicant, including factors such as background, gender and age, are fully taken into account so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm. All care is taken to ensure that the case worker who conducts the interview is sufficiently competent to take into account the personal, or general, circumstances surrounding the application. This includes the applicant's cultural origin, gender, sexual orientation, gender identity or vulnerability.

So, the fact that an application for international protection has been rejected is a clear indication that the applicant neither has a well-founded fear of persecution nor a real risk of suffering serious harm in his/her country of origin (i.e. there is no risk of refoulement).

## 8. Annexes

1. Chapter 581 of the Laws of Malta (Gender-Based Violence and Domestic Violence Act)
2. Staff working at the MAB services: 2017-2018
3. Cases registered at the MAB services: 2017-2018
  - a. Cases registered at the MAB services by age
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4. FSWS Services Expenditure by type of service provided: 2017-2018
5. Expenditure of FSWS by media intervention: 2017-2018
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  - b. Cost of Human Resources attending media interventions from operational time
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6. Cases registered at the DVU: 2017-2018
  - a. Cases registered at the DVU by gender and age
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7. Statistical data of DV cases registered at all the Health Centres: 2017-2018
8. Staff working at the Għabex Emergency Shelter: 2017-2018
9. Cases registered at the Għabex emergency shelter: 2017-2018
  - a. Cases registered at the Għabex emergency shelter by age and gender
  - b. Cases registered at the Għabex emergency shelter by age and district
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10. Admissions under PSPs by shelter: 2017-2018
11. PSPs between FSWS and NGOs: 2017-2018
12. Police cases: 2017-2018
  - a. Police cases resulting in the death of a woman
  - b. Police cases in relation to acts of violence against women amounting to attempted murder
  - c. Police cases which resulted in the death of the children of the women victims
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13. Cases of assistance given to female victims of DV by the Victim Support Unit: 2017
14. Court cases: 2014-2018
  - a. Court cases resulting in the death of a woman: 2014-2018
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15. The number of Protection orders and restraining orders issued in relation to summary proceedings: 2016-2018
16. Initial training (education or professional training) by HRID: 2017-2018
  - a. Initial training (education or professional training) - Stage 1
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17. Training (education or professional training) to FSWS employees (social workers, social support workers, executives, psychologists and family therapists): 2017-2018
  - a. Initial training to FSWS employees
  - b. In-service training to FSWS employees

# Annex 1. Chapter 581 of the Laws of Malta (Gender-Based Violence and Domestic Violence Act)

GENDER-BASED VIOLENCE AND  
DOMESTIC VIOLENCE

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## CHAPTER 581

### GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE ACT

*An ACT to make provisions for the substantive articles of the Council of Europe Convention on prevention and combating of violence against women and domestic violence to become, and be, enforceable as part of the Laws of Malta; to promote and protect the right of everyone, and particularly of persons who are at risk of domestic violence to live free from violence in both the public and private sphere; to repeal the Domestic Violence Act (Cap. 481) and the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence (Ratification) Act (Cap. 532) and to make consequential and other amendments to various other laws.*

14th May, 2018

[ACT XIII of 2018](#), as amended by Act [XXIV of 2019](#).

#### ARRANGEMENT OF ACT

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Part II Commission on Gender-Based Violence and Domestic Violence	6 - 18
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**Part I**

Preliminary

Short title.	<b>1.</b> The short title of this Act is the Gender-Based Violence and Domestic Violence Act.
Interpretation	<b>2.</b> In this Act, unless the context otherwise requires:
<i>Amended by: XXVI.2019.10.</i>	"Commission" means the Commission established by article 6;
	"Convention" means the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence, concluded in Istanbul on the 11th May, 2011;
	"domestic violence" means all acts or omissions including verbal, physical, sexual, psychological or economic violence causing physical and, or moral harm or suffering, including threats of such acts or omissions, coercion, or arbitrary deprivation of liberty, that occur within the family or domestic unit, whether or not the perpetrator shares or has shared the same residence with the victim, and shall include children who are witnesses of violence within the family or domestic unit;
	"family or domestic unit" includes:
	(a) current or former spouses, civil union partners or cohabitants;
	(b) persons living in the same household as the offender or who had lived with the offender within a period of three years preceding the offence;
	(c) persons whose marriage has been dissolved or declared null;
	(d) an ascendant or descendant;
	(e) other adults sharing the same household;
	(f) persons in an informal relationship, who are or were dating;
	(g) persons who are, or have been, formally or informally engaged with a view to get married or enter into a civil union;
	(h) persons who are related to each other either by consanguinity or affinity up to the third degree inclusively;
	(i) persons having or having had a child in common;

"gender" means the socially constructed roles, expectations, activities, behaviours and attributes that society at any given time associates with a person of any sex, assuming any form of gender identity or gender expression;

"gender-based violence" means all acts or omissions that are directed against a person because of their gender, that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

"Minister" means the Minister responsible for equality;

"victim" means any natural person who is subjected to forms of violence covered by the scope of this Act and the family members of any person whose death was directly caused by the said violence and who have suffered harm as a result of that person's death as well as minors who are witnesses to the forms of violence covered by the scope of this Act.

Scope.

**3.** (1) This Act shall apply to all forms of violence covered by the scope of the Convention.

(2) This Act shall apply in times of peace and in situations of armed conflict.

Non-Discrimination.

**4.** (1) The implementation of the provisions of this Act, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as age; association with a national minority; belief, creed or religion; colour, ethnic origin and, or race; disability; family responsibilities and, or pregnancy; family and, or civil status; gender expression and, or gender identity; genetic features; health status; language; migrant or refugee status; national or social origin; political or other opinion; property; sex or sex characteristics; sexual orientation or any other status.

(2) Special measures that are deemed necessary to prevent and protect persons who are particularly vulnerable to violence due to their gender shall not be considered discrimination under the terms of this Act.

State obligations and due diligence.

**5.** (1) The public administration shall not engage in any act of gender-based violence or domestic violence and shall ensure that government institutions and any others acting on behalf of the public administration act in conformity with this obligation.

(2) The public administration shall:

(a) create and adopt, within one year from the

coming into force of this Act, an Action Plan which includes effective, measurable, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of gender-based violence and domestic violence, in liaison with the Commission;

(b) ensure the implementation of the aforementioned Action Plan by way of effective co-operation among other relevant Ministries, Commissions, agencies, authorities, institutions, organisations, civil society and any relevant bodies;

(c) allocate appropriate financial and human resources for the adequate implementation of this Action Plan to prevent and combat all forms of gender-based violence and domestic violence, including those actions carried out by non-governmental organisations, agencies and civil society;

(d) review the Action Plan periodically and at least once every three years in liaison with the Commission; and

(e) publish a report, at least once every three years, detailing the progress and status of the Action Plan.

**Part II**

Commission on Gender-Based Violence and Domestic Violence

Establishment of  
the Commission.

**6.** (1) There shall be a Commission to be known as the Commission on Gender-Based Violence and Domestic Violence which shall be a co-ordinating body with the aim of offering a holistic response to gender-based violence and domestic violence by promoting the right of all persons to live free from violence in both the public and private sphere, and of implementing measures to prevent all forms of violence falling within the scope of this Act.

(2) The Commission shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of employing personnel, of acquiring, holding and disposing of property of any kind for the purposes of its functions under this Act or any other law, of suing and of being sued, and of doing all such things and entering into all such transactions as are conducive or incidental to the exercise or performance of its functions as herein contained.

(3) The legal and judicial representation of the Commission shall lie in its Commissioner or such other officer as the Minister may from time to time appoint by notice in the Gazette:

Provided that the Commission may appoint any one of its members or any other person to appear in its name and on its

behalf in any judicial proceedings, and on any act, contract, agreement or document whatsoever.

7. (1) The Commission shall be composed of a Commissioner who shall be called the Commissioner on Gender-Based Violence and Domestic Violence and not less than six but not more than twelve other members, one of whom shall be a person with disability, who are knowledgeable on issues of gender-based violence and domestic violence, and, or legal and administrative issues connected therewith.

Appointment and composition.  
Amended by:  
XXVI.2019.11.

(2) The members of the Commission shall be appointed by the Minister after consulting such public and private agencies or entities involved in the research, prevention and treatment of gender-based violence and domestic violence, as the Minister may deem appropriate.

(3) The Minister shall ensure that the Commission is composed of members which represent, as far as possible, a wide representation of civil society.

(4) The members of the Commission shall designate any one of its members as Deputy Commissioner and the member so designated shall have all the powers and perform all the functions of the Commissioner during his temporary absence or inability, or while the Commissioner is on vacation, or during any vacancy in the office of Commissioner. The name of the person designated as Deputy Commissioner shall be published in the Gazette.

Term of office.

8. Every member of the Commission shall hold office for a term of three years and may be reappointed at the end of his term of office only once.

9. A person shall not be qualified to hold office as a *Disqualification* member of the Commission if that person:

- (a) is a Minister or a Parliamentary Secretary;
- (b) is a practicing Judge or Magistrate;
- (c) is legally interdicted or incapacitated;
- (d) has been convicted of an offence liable to a term of imprisonment for not less than six months;
- (e) has been convicted of an offence relating to a breach of human rights or discrimination; or
- (f) is subject to disqualification under article 320 of the [Companies Act](#).

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Termination and  
resignation.

**10.** (1) Subject to the provisions of this article, the office of a member of the Commission shall become vacant:

(a) upon the expiration of three years from the date of appointment or at such earlier time as may be specified in the instrument by which he was appointed; or

(b) upon resignation by a letter addressed to the Minister; or

(c) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such; or

(d) upon removal by the Commissioner upon a two-thirds vote taken by all members for failure to attend meetings as specified in article 12(2).

(2) A member of the Commission may, at any time, be removed by the Minister after consultation with the other members of the Commission and substituted by another member.

(3) If a member resigns or if the office of a member of the Commission is otherwise vacant, it shall be filled by the appointment of another member by the Minister in accordance with article 7(2). The term of appointment of such member shall be for the remaining period of the three year term of the member whose post has become vacant.

Conflict of interest.

**11.** Any member of the Commission who has any direct or indirect interest in any matter or situation being considered by the Commission, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Commission after the relevant facts have come to his knowledge. Such disclosure shall then be recorded in the minutes of the meeting, and the member having an interest as aforesaid shall withdraw from any meetings at which such matter or situation is discussed.

Provisions with  
respect to  
proceedings of  
the Commission.

**12.** (1) The Commission shall meet within one month from its constitution, and meetings of the Commission shall be called by the Commissioner as often as may be necessary but not less than once every two months, either on his own initiative or at the request of any two of the other members thereafter.

(2) Attendance by all members shall be compulsory, with failure to attend without reasonable cause for three consecutive meetings resulting in an immediate and automatic motion for removal.

(3) The quorum for meetings of the Commission shall be half the number of its members, one of whom shall be the Commissioner or the Deputy Commissioner.

(4) Decisions of the Commission shall be taken by a simple majority of the votes of the members present and in the event of an equality of votes the Commissioner shall have a casting vote.

(5) Subject to the provisions of this Act, the Commission shall, in general, regulate its own proceedings.

(6) The Commission may appoint sub-committees or working groups from among its members as it deems appropriate in order to better discharge its functions.

(7) The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any member.

(8) The Commission may appoint any of its officers or employees to act as Secretary and to assist with taking of minutes of its meetings.

(9) The Commission may from time to time invite any person to attend one or more of its meetings, in particular to provide expert advice on specific issues.

**13.** The functions of the Commission shall be the following:

(a) to advise the Minister and any State institution on all issues relating to gender-based violence and domestic violence, as well as the measures deemed necessary to ensure conformity with their due diligence obligations as established in article 5 and the Convention;

(b) to monitor and oversee the effective implementation of the Action Plan developed by Government in accordance with article 5;

(c) to engage any relevant stakeholders, including civil society, in the effective implementation of the Action Plan mentioned in the preceding paragraph;

(d) to determine the appropriate financial and human resources required for the adequate implementation of the integrated policies, measures and programmes to prevent and combat all forms of gender-based violence and domestic violence covered by the scope of this Act;

(e) to support research in the field of gender-based

Functions of the  
Commission.

violence and domestic violence in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement the Convention;

(f) to monitor national standards for support services for victims and perpetrators of gender-based violence and domestic violence, including public or private shelter services or facilities;

(g) to monitor standards and protocols for professionals in the areas covered by the scope of this Act and organise specialised training for the said professionals, including, but not limited to, educators, members of the judiciary and law enforcement officers;

(h) to comprehensively collect and collate relevant disaggregated statistical data at regular intervals on cases of all forms of violence covered by the scope of this Act from the State, public sector, agencies and other relevant entities, as appropriate;

(i) to collaborate with the relevant national institutions to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Act;

(j) to provide the group of experts, as referred to in article 66 of the Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking;

(k) to ensure that the information collected pursuant to this article is available to the public;

(l) to conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including those in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations to increase awareness and understanding among the general public of the different manifestations of all forms of gender-based violence and domestic violence and the need to prevent and address such violence;

(m) to ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Act, as well as any means of redress available;

(n) to collaborate with the educational authorities to educate students on the forms of violence covered by this Act

and the preventive measures in their regard;

(o) to provide guidelines to the media in relation to the prevention of the forms of violence covered by the scope of this Act.

**14.** (1) The Commission shall keep proper accounts of its income and expenditure and shall prepare and send to the Minister, by the 31st day of July of each calendar year, statements of accounts in relation to the preceding financial year. Auditing and accounts.

(2) The financial year of the Commission shall commence on the 1st of January and shall end on the 31st of December of each year:

Provided that the first financial year of the Commission shall begin on the coming into force of this Act and end on the 31st of December of the next following year.

(3) The accounts of the Commission shall be audited by the Auditor General and the [Financial Administration and Audit Act](#) shall apply. Cap. 174.

**15.** The Commission shall be exempt from any liability to pay tax, in respect of its income, under the [Income Tax Act](#). Exemption from income tax.  
Cap. 123

**16.** (1) As soon as practicable after the end of every calendar year, but in any case by no later than the end of March of the year immediately following the year of its constitution, the Commission shall publish a report of all its activities and shall continue to draw up such a report by the end of March of every year thereafter (such report shall hereinafter in this article be referred to as the "annual report"). Reports.

(2) The annual report shall include a general report of developments during the period to which it relates in respect of matters falling within the functions of the Commission and shall also include a report on the activities, recommendations, advice and other initiatives carried out by the Commission in furtherance of its functions during the period to which the report relates.

(3) A copy of the annual report shall be sent to the Minister who shall, by not later than four weeks after receipt of the report, lay a copy thereof on the Table of the House, so however that if the House is not in session, then such report shall be laid by not later than four weeks after the House resumes its session.

(4) The Commission may also send a copy of the annual report to such other bodies or organisations as the Minister may direct from time to time.

(5) The annual report shall, within the period of eight weeks from the date on which a copy thereof is laid on the Table of the House, be discussed by the Social Affairs Committee of the House of Representatives or any other committee substituting the same.

Persons to assist  
the Commission.

**17.** (1) The Minister may, whenever the Commission so requests, appoint a person or designate a public officer to assist it, in a consultative capacity, for the purpose of exercising any of its functions under this Act.

(2) There shall be a Secretary to the Commission who shall be a person appointed as such by the Minister or a public officer designated by the Minister to perform the functions of Secretary.

(3) The Commission shall also have such other staff as the Minister may deem necessary in order for the Commission to perform its functions and duties under this Act, and appoint or designate as aforesaid.

Funding.

**18.** (1) The Minister shall be responsible for securing adequate funds for the actual and effective performance of the functions as set out in article 13.

Cap. 174.

(2) In administering such funds, the Commission shall ensure adherence to all applicable legislation, including the provisions of the [Financial Administration and Audit Act](#) and relevant public procurement legislation.

### **Part III**

#### Designated Agency

Designated agency.

**19.** (1) The Minister shall designate one or more public, civil society or other organisations, institutions or other bodies with which arrangements have been made as provided in sub-article (3) as the agency responsible for the provision of preventive, therapeutic and, or treatment programmes for victims and perpetrators of violence covered by the scope of this Act.

(2) The Minister shall assign those services to be provided by the designated organisation, institution or other body.

(3) The arrangements referred to in sub-article (1) shall lay down the services which the organisation, institution or other body will be expected to provide for the duration of the arrangements and which shall include the following:

(a) preventive, therapeutic and, or treatment programmes for victims and perpetrators of forms of violence covered by the scope of this Act;

(b) public help-line facilities for emergency access

to specialised support services in those areas related to forms of violence covered by the scope of this Act;

(c) expertise for the assessment of the needs and risks of victims of violence covered by the scope of this Act, including the development of a care plan for each referral;

(d) sheltered accommodation for victims of violence covered by the scope of this Act, including in partnership with other organisations, institutions or other bodies providing similar accommodation;

(e) the compilation and dissemination to interested persons and bodies of documentation on the rights of victims of violence covered by the scope of this Act, and on the remedies and services available to them;

(f) the collation of data concerning domestic violence for use by the Courts, prosecutors, law enforcement officers, health care practitioners, social workers and other agencies and entities, in a manner that protects the identity of victims of violence covered by the scope of this Act.

(4) The arrangements referred to in sub-article (1) shall also provide for funding by the Minister of the services agreed upon with the organisation, institution or other body.

(5) The designated agency shall keep the funds referred to in sub-article (4) separately from the other funds of the agency, which shall keep proper books of account thereof audited annually by auditors appointed by it with the concurrence of the Minister and which shall moreover be subject to audit by the Auditor General.

(6) The designated agency shall, by not later than three months after the close of each financial year, transmit to the Minister:

(a) a copy of the annual accounts certified by the auditors; and

(b) a report on the operations of the agency during the year.

(7) The report referred to in sub-article (6)(b) shall be laid on the Table of the House by the Minister by not later than six weeks after its receipt, or where the House is during the period not in session by not later than the second week after the House resumes its sittings, and this report shall, within the period of eight weeks from the date on which a copy thereof is laid on the Table of the House, be discussed by the Social Affairs Committee of the House of Representatives or any other committee substituting the same.

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Cap. 9. (8) Any member, officer, employee or member of staff of a designated agency shall be deemed a public officer for the purposes of article 92 of the [Criminal Code](#).

(9) The designated agency shall, where necessary and in the best interest of all parties involved, liaise with any other agency, institution, non-governmental organisation or any other body which is competent to deal with matters relevant to the scope of this Act.

Power to make regulations.

**20.** The Minister may make regulations to implement and give better effect to the provisions of this Act, and without prejudice to the generality of the foregoing, may prescribe anything which shall be done or may be prescribed and provide for any consequential thing, incidental to or connected to the provisions of this Act.

Reservations to the Convention entered by Malta.

**21.** For the avoidance of any doubt, it is hereby declared that, by means of a Note Verbale presented on the 21st May of 2012, Malta reserved the right not to apply:

(a) article 30(2) of the Convention and to continue to apply its current legislation in so far as State compensation is concerned; and

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(b) article 44(1)(e) of the Convention and to establish jurisdiction when the offence is committed by a person holding permanent residence in terms of article 7 of the [Immigration Act](#).

Convention to be enforceable as part of the law of Malta.

**22.** (1) The Convention, as reproduced in the Schedule to this Act, shall be, and shall be enforceable as, part of the Laws of Malta.

(2) Where any ordinary law is inconsistent with rights set out in the Convention, the latter shall prevail, and such ordinary law shall, to the extent of the inconsistency, be void:

Provided that where any ordinary law confers a higher degree of protection and, or further rights than those set out in the Convention, that ordinary law shall apply.



SCHEDULE

*Council of Europe Treaty Series - No. 210*

Council of Europe Convention on preventing and combating violence against women and domestic violence

Istanbul, 11.V.2011

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Preamble

The member States of the Council of Europe and the other signatories hereto,

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), the Council of Europe Convention on action against Trafficking in Human Beings (CETS No. 197, 2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007);

Recalling the following recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;

Taking account of the growing body of case law of the European Court of Human Rights which sets important standards in the field of violence against women;

Having regard to the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW", 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006);

Having regard to the Rome Statute of the International Criminal Court (2002);

Recalling the basic principles of international humanitarian law, and especially the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols I and II (1977) thereto;

Condemning all forms of violence against women and domestic violence;

Recognising that the realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women;

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called "honour" and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;

Recognising the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

Recognising that women and girls are exposed to a higher risk of gender-based violence than men;

Recognising that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

Recognising that children are victims of domestic violence, including as witnesses of violence in the family;

Aspiring to create a Europe free from violence against women and domestic violence,

Have agreed as follows:

Chapter I - Purposes, definitions, equality and non-discrimination,  
general obligations

Article 1 - Purposes of the Convention

1. The purposes of this Convention are to:
  - a protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
  - b contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
  - c design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;

d promote international co-operation with a view to eliminating violence against women and domestic violence;

e provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

2. In order to ensure effective implementation of its provisions by the Parties, this Convention establishes a specific monitoring mechanism.

#### Article 2 – Scope of the Convention

1. This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.

2. Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.

3. This Convention shall apply in times of peace and in situations of armed conflict.

#### Article 3 – Definitions

For the purpose of this Convention:

a "violence against women" is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

b "domestic violence" shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;

c "gender" shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

d "gender-based violence against women" shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;

e "victim" shall mean any natural person who is subject to the conduct specified in points a and b;

f "women" includes girls under the age of 18.

Article 4 – Fundamental rights, equality and non-discrimination

1. Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.

2. Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:

- embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
- prohibiting discrimination against women, including through the use of sanctions, where appropriate;
- abolishing laws and practices which discriminate against women.

3. The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

4. Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.

Article 5 – State obligations and due diligence

1. Parties shall refrain from engaging in any Act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State Act in conformity with this obligation.

2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

Article 6 – Gender-sensitive policies

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

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Chapter II – Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

1. Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.

2. Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.

3. Measures taken pursuant to this Article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

Article 8 – Financial resources

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

Article 9 – Non-governmental organisations and civil society

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.

Article 10 – Co-ordinating body

1. Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.

2. Parties shall ensure that the bodies designated or established pursuant to this Article receive information of a general nature on measures taken pursuant to Chapter VIII.

3. Parties shall ensure that the bodies designated or established pursuant to this Article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.

Article 11 – Data collection and research

1. For the purpose of the implementation of this Convention, Parties shall

undertake to:

- a collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;
  - b support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.
2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.
  3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this Article in order to stimulate international co-operation and enable international benchmarking.
  4. Parties shall ensure that the information collected pursuant to this Article is available to the public.

### Chapter III – Prevention

#### Article 12 – General obligations

1. Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.
2. Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.
3. Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.
4. Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.
5. Parties shall ensure that culture, custom, religion, tradition or so-called "honour" shall not be considered as justification for any acts of violence covered by the scope of this Convention.
6. Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.

Article 13 – Awareness-raising

1. Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women’s organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.

2. Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

Article 14 – Education

1. Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.

2. Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

Article 15 – Training of professionals

1. Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.

2. Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

Article 16 – Preventive intervention and treatment programmes

1. Parties shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.

2. Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.

3. In taking the measures referred to in paragraphs 1 and 2, Parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.

Article 17 – Participation of the private sector and the media

1. Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.

2. Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

Chapter IV – Protection and support

Article 18 – General obligations

1. Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.

2. Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.

3. Parties shall ensure that measures taken pursuant to this chapter shall:

- be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
- be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
- aim at avoiding secondary victimisation;
- aim at the empowerment and economic independence of women victims of violence;
- allow, where appropriate, for a range of protection and support

services to be located on the same premises;

- address the specific needs of vulnerable persons, including child victims, and be made available to them.

4. The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.

5. Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

#### Article 19 – Information

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

#### Article 20 – General support services

1. Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.

2. Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.

#### Article 21 – Assistance in individual/collective complaints

Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

#### Article 22 – Specialist support services

1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

2. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

#### Article 23 – Shelters

Parties shall take the necessary legislative or other measures to provide for the

setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.

Article 24 – Telephone helplines

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

Article 25 – Support for victims of sexual violence

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

Article 26 – Protection and support for child witnesses

1. Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.

2. Measures taken pursuant to this Article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

Article 27 – Reporting

Parties shall take the necessary measures to encourage any person witness to the commission of acts of violence covered by the scope of this Convention or who has reasonable grounds to believe that such an Act may be committed, or that further acts of violence are to be expected, to report this to the competent organisations or authorities.

Article 28 – Reporting by professionals

Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious Act of violence covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.

Chapter V – Substantive law

Article 29 – Civil lawsuits and remedies

1. Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.

2. Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.

#### Article 30 – Compensation

1. Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.

2. Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.

3. Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

#### Article 31 – Custody, visitation rights and safety

1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.

2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

#### Article 32 – Civil consequences of forced marriages

Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

#### Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

#### Article 34 – Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

## Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

## Article 36 – Sexual violence, including rape

1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
- b engaging in other non-consensual acts of a sexual nature with a person;
- c causing another person to engage in non-consensual acts of a sexual nature with a third person.

2. Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.

3. Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

## Article 37 – Forced marriage

1. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.

2. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

## Article 38 – Female genital mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;
- b coercing or procuring a woman to undergo any of the acts listed in point a;
- c inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

Article 39 – Forced abortion and forced sterilisation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a performing an abortion on a woman without her prior and informed consent;
- b performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

Article 40 – Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

Article 41 – Aiding or abetting and attempt

1. Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention.

2. Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called "honour"

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called "honour" shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.

2. Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

Article 43 – Application of criminal offences

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

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Article 44 – Jurisdiction

1. Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:

- a in their territory; or
- b on board a ship flying their flag; or
- c on board an aircraft registered under their laws; or
- d by one of their nationals; or
- e by a person who has her or his habitual residence in their territory.

2. Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.

3. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.

4. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.

5. Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.

6. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

7. Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

Article 45 – Sanctions and measures

1. Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

2. Parties may adopt other measures in relation to perpetrators, such as:

- monitoring or supervision of convicted persons;
- withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

Article 46 – Aggravating circumstances

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

- a the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;
- b the offence, or related offences, were committed repeatedly;
- c the offence was committed against a person made vulnerable by particular circumstances;
- d the offence was committed against or in the presence of a child;
- e the offence was committed by two or more people acting together;
- f the offence was preceded or accompanied by extreme levels of violence;
- g the offence was committed with the use or threat of a weapon;
- h the offence resulted in severe physical or psychological harm for the victim;
- i the perpetrator had previously been convicted of offences of a similar nature.

Article 47 – Sentences passed by another Party

Parties shall take the necessary legislative or other measures to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with this Convention when determining the sentence.

Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

1. Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

Chapter VI – Investigation, prosecution, procedural law and protective measures

Article 49 – General obligations

1. Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.

2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

Article 50 – Immediate response, prevention and protection

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.

2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

Article 51 – Risk assessment and risk management

1. Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.

2. Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

Article 52 – Emergency barring orders

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this Article shall give priority to the safety of victims or persons at risk.

Article 53 – Restraining or protection orders

1. Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:

- available for immediate protection and without undue financial or administrative burdens placed on the victim;
- issued for a specified period or until modified or discharged;
- where necessary, issued on an ex parte basis which has immediate effect;
- available irrespective of, or in addition to, other legal proceedings;
- allowed to be introduced in subsequent legal proceedings.

3. Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

Article 54 – Investigations and evidence

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

Article 55 – *Ex parte* and *ex officio* proceedings

1. Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

2. Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

Article 56 – Measures of protection

1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

- a providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
- b ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;
- c informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;
- d enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
- e providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;
- f ensuring that measures may be adopted to protect the privacy and the image of the victim;
- g ensuring that contact between victims and perpetrators within Court and law enforcement agency premises is avoided where possible;
- h providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;
- i enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the

presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.

2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

Article 57 – Legal aid

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

Article 58 – Statute of limitation

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

Chapter VII – Migration and asylum

Article 59 – Residence status

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.

2. Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.

3. Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:

a where the competent authority considers that their stay is necessary owing to their personal situation;

b where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

4. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage

and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

Article 60 – Gender-based asylum claims

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.

2. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.

3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

Article 61 – *Non-refoulement*

1. Parties shall take the necessary legislative or other measures to respect the principle of *non-refoulement* in accordance with existing obligations under international law.

2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Chapter VIII – International co-operation

Article 62 – General principles

1. Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant international and regional instruments on co-operation in civil and criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- a preventing, combating and prosecuting all forms of violence covered by the scope of this Convention;
- b protecting and providing assistance to victims;
- c investigations or proceedings concerning the offences established in accordance with this Convention;

d enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.

2. Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.

3. If a Party that makes mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by another Party to this Convention conditional on the existence of a treaty receives a request for such legal co-operation from a Party with which it has not concluded such a treaty, it may consider this Convention to be the legal basis for mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by the other Party in respect of the offences established in accordance with this Convention.

4. Parties shall endeavour to integrate, where appropriate, the prevention and the fight against violence against women and domestic violence in assistance programmes for development provided for the benefit of third States, including by entering into bilateral and multilateral agreements with third States with a view to facilitating the protection of victims in accordance with Article 18, paragraph 5.

#### Article 63 – Measures relating to persons at risk

When a Party, on the basis of the information at its disposal, has reasonable grounds to believe that a person is at immediate risk of being subjected to any of the acts of violence referred to in Articles 36, 37, 38 and 39 of this Convention on the territory of another Party, the Party that has the information is encouraged to transmit it without delay to the latter for the purpose of ensuring that appropriate protection measures are taken. Where applicable, this information shall include details on existing protection provisions for the benefit of the person at risk.

#### Article 64 – Information

1. The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.

2. A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in preventing criminal offences established in accordance with this Convention or in initiating or carrying out investigations or proceedings concerning such criminal offences or that it might lead to a request for co-operation by that Party under this chapter.

3. A Party receiving any information in accordance with paragraph 2 shall submit such information to its competent authorities in order that proceedings may be taken if they are considered appropriate, or that this information may be taken into

account in relevant civil and criminal proceedings.

Article 65 – Data Protection

Personal data shall be stored and used pursuant to the obligations undertaken by the Parties under the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

Chapter IX – Monitoring mechanism

Article 66 – Group of experts on action against violence against women  
and domestic violence

1. The Group of experts on action against violence against women and domestic violence (hereinafter referred to as "GREVIO") shall monitor the implementation of this Convention by the Parties.

2. GREVIO shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as multidisciplinary expertise. Its members shall be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.

3. The initial election of 10 members shall be held within a period of one year following the entry into force of this Convention. The election of five additional members shall be held following the 25th ratification or accession.

4. The election of the members of GREVIO shall be based on the following principles:

a they shall be chosen according to a transparent procedure from among persons of high moral character, known for their recognised competence in the fields of human rights, gender equality, violence against women and domestic violence, or assistance to and protection of victims, or having demonstrated professional experience in the areas covered by this Convention;

b no two members of GREVIO may be nationals of the same State;

c they should represent the main legal systems;

d they should represent relevant actors and agencies in the field of violence against women and domestic violence;

e they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions, and shall be available to carry out their duties in an effective manner.

5. The election procedure of the members of GREVIO shall be determined by the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties, within a period of six months following the entry into force of this Convention.

6. GREVIO shall adopt its own rules of procedure.

7. Members of GREVIO, and other members of delegations carrying out the country visits as set forth in Article 68, paragraphs 9 and 14, shall enjoy the privileges and immunities established in the appendix to this Convention.

Article 67 – Committee of the Parties

1. The Committee of the Parties shall be composed of the representatives of the Parties to the Convention.

2. The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GREVIO. It shall subsequently meet whenever one third of the Parties, the President of the Committee of the Parties or the Secretary General so requests.

3. The Committee of the Parties shall adopt its own rules of procedure.

Article 68 – Procedure

1. Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.

2. GREVIO shall consider the report submitted in accordance with paragraph 1 with the representatives of the Party concerned.

3. Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire.

4. GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.

5. GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights.

6. GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention.

7. When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as

referred to in Article 11 of this Convention.

8. GREVIO may receive information on the implementation of the Convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council of Europe, as well as those established under other international instruments. Complaints presented to these bodies and their outcome will be made available to GREVIO.

9. GREVIO may subsidiarily organise, in co-operation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields.

10. GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report.

11. On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned.

12. Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of this Convention.

13. If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women.

14. Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.

15. After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations.

Article 69 – General recommendations

GREVIO may adopt, where appropriate, general recommendations on the implementation of this Convention.

Article 70 – Parliamentary involvement in monitoring

1. National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.
2. Parties shall submit the reports of GREVIO to their national parliaments.
3. The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

Chapter X – Relationship with other international instruments

Article 71 – Relationship with other international instruments

1. This Convention shall not affect obligations arising from other international instruments to which Parties to this Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention.
2. The Parties to this Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

Chapter XI – Amendments to the Convention

Article 72 – Amendments

1. Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by her or him to the member States of the Council of Europe, any signatory, any Party, the European Union, any State invited to sign this Convention in accordance with the provisions of Article 75, and any State invited to accede to this Convention in accordance with the provisions of Article 76.
2. The Committee of Ministers of the Council of Europe shall consider the proposed amendment and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.
3. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 2 shall be forwarded to the Parties for acceptance.
4. Any amendment adopted in accordance with paragraph 2 shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General of their acceptance.

## Chapter XII – Final clauses

## Article 73 – Effects of this Convention

The provisions of this Convention shall not prejudice the provisions of internal law and binding international instruments which are already in force or may come into force, under which more favourable rights are or would be accorded to persons in preventing and combating violence against women and domestic violence.

## Article 74 – Dispute settlement

1. The Parties to any dispute which may arise concerning the application or interpretation of the provisions of this Convention shall first seek to resolve it by means of negotiation, conciliation, arbitration or by any other methods of peaceful settlement accepted by mutual agreement between them.
2. The Committee of Ministers of the Council of Europe may establish procedures of settlement to be available for use by the Parties in dispute if they should so agree.

## Article 75 – Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration and the European Union.
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 signatories, including at least eight member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2.
4. In respect of any State referred to in paragraph 1 or the European Union, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

## Article 76 – Accession to the Convention

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the

Parties entitled to sit on the Committee of Ministers.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

#### Article 77 – Territorial application

1. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

#### Article 78 – Reservations

1. No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.

2. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:

Article 30, paragraph 2;

Article 44, paragraphs 1.e, 3 and 4;

Article 55, paragraph 1 in respect of Article 35 regarding minor offences;

Article 58 in respect of Articles 37, 38 and 39;

Article 59.

3. Any State or the European Union may, at the time of signature or when

depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.

4. Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.

#### Article 79 – Validity and review of reservations

1. Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.

2. Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.

3. If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.

#### Article 80 – Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

#### Article 81 – Notification

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, any signatory, any Party, the European Union, and any State invited to accede to this Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;

- c any date of entry into force of this Convention in accordance with Articles 75 and 76;
- d any amendment adopted in accordance with Article 72 and the date on which such an amendment enters into force;
- e any reservation and withdrawal of reservation made in pursuance of Article 78;
- f any denunciation made in pursuance of the provisions of Article 80;
- g any other Act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Istanbul, this 11th day of May 2011, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Union and to any State invited to accede to this Convention.

## **Annex 2. Staff working at the MAB services: 2017-2018**

<b>2017</b>	
<b>Role</b>	<b>Amount</b>
1 co-ordinator 1 part-time social worker 1 part-time facilitator	3 workers
Total cost	€53,847.77

<b>2018</b>	
<b>Role</b>	<b>Amount</b>
1 co-ordinator 1 part-time social worker	2 workers
Total cost	€45,895.08*

\* The main difference in the total cost is linked to the allowances given to the workers, the different pay rise and workers increasing/reducing their working hours.

Note: Along the year there were terminations and replacement of staff. The costing is based on the actual time the workers worked at the service. The employment of the part-time facilitator changed to a contractee following employee's retirement.

### **Annex 3. Cases registered at the MAB services: 2017-2018**

#### **a. Cases registered at the MAB services by age**

Age	2017				2018			
	Male	Female	Not specified	Total	Male	Female	Not specified	Total
18-19	1	-	-	1	1	-	-	1
20-24	3	1	-	4	6	-	-	6
25-29	3	-	-	3	9	-	-	9
30-34	7	-	-	7	12	-	-	12
35-39	14	-	-	14	21	-	-	21
40-44	19	-	-	19	26	-	-	26
45-49	12	1	-	13	19	-	-	19
50-54	9	1	-	10	10	-	-	10
55-59	3	-	-	3	4	-	-	4
60+	8	-	-	8	8	-	-	8
Unspecified	28	-	1	29	3	-	-	3
Total	107	3	1	111	119	-	-	119

#### **b. Cases registered at the MAB services by district**

District	2017				2018			
	Male	Female	Not specified	Total	Male	Female	Not specified	Total
Northern	17	1	-	18	19	-	-	19
Northern Harbour	27	-	-	27	31	-	-	31
South Eastern	17	-	-	17	21	-	-	21
Southern Harbour	29	2	-	31	36	-	-	36
Western	10	-	-	10	19	-	-	19
Unspecified	7	-	1	8	12	-	-	12*
Total	107	3	1	111	119	-	-	119

\* In 2018, one person noted under unspecified district was residing in a shelter.

**Annex 4. FSWS Services Expenditure by type of service provided: 2017-2018**

Type of Service	2017	2018
MAB - Domestic Abuse Intervention Programme (DAIP) facilitation	€2,390.00	€4,038.00
MAB - Support group for perpetrators who finished the DAIP	€2,879.00	€7,227.00
Supervision for MAB professionals	€570.00	€1,005.00
After Hours Emergency Service	€24,462.00	€58,246.00
Care for Victims of Sexual Assault Service	€949.00	€887.00
Għabex Emergency Shelter running cost	€369,061.00	€482,171.00
Psychological Assistance provided to service users suffering from Domestic Violence	€310.00	€2,839.00
DVU Women Support Group for female partners of perpetrators attending the DAIP	€635.00	€825.00
Total	€401,256.00	€557,238.00

## **Annex 5. Expenditure of FSWS on media intervention: 2017-2018**

### **a. Media interventions**

	<b>2017</b>		<b>2018</b>	
<b>Month</b>	<b>TV</b>	<b>Radio</b>	<b>TV</b>	<b>Radio</b>
January	1	-	3	1
February	-	-	-	-
March	4	2	-	-
April	2	2	6	1
May	1	1	4	3
June	1	1	-	-
July	-	-	-	1
August	-	-	1	-
September	-	-	-	2
October	-	-	1	-
November	7	8	11	5
December	-	-	1	-
Total	16	14	27	13

### **b. Cost of Human Resources attending media interventions from operational time**

<b>Media Interventions</b>	<b>2017</b>	<b>2018</b>
Awareness raising on DV issues	€822.00	€1,233.00

**c. Yearly costing: 2017-2018**

<b>Month</b>	<b>Description</b>	<b>Cost</b>
<b>2017</b>		
October	Child to Parent Violence Seminar	€2,175.33
	DV PSAs	€1,858.50
November	DV Event - Audio	€3,012.54
	DV Event - Videographer	€2,006.00
	DV Event - Furniture	€856.33
	DV Event - Extras	€944.00
	DV Event - Violinist	€120.00
	DV Event - Drummer	€200.00
	DV Event - Dance Performance	€2,124.00
	DV Event - Lighting	€1,652.00
	DV Advert TVM	€868.48
	DV Advert One	€590.00
	DV Advert Net	€472.00
	DV event - Catering	€999.46
<b>Total</b>		<b>€17,878.64</b>
<b>2018</b>		
May	Advert Child Magazine - Blue Ribbon	€542.80
	Advert Gwida Magazine - Blue Ribbon	€200.60
September	Advert Flimkien Magazine - DV	€295.00
October	Catering - DV Gozo Event	€1,480.00
November	DV Informational Video	€1,652.00
	Venue Hire - DV Event (Malta)	€1,805.40
	Australia DV Survivor - Accommodation, flights and fee	€1,104.00
	Advert Gwida Magazine - DV	€200.60
	Filming of Malta DV Event (Malta)	€259.60
	Loan of TV during event (Malta)	€398.84
	Interpreter during DV Event (Malta)	€1,976.50
	Ribbons for event (Gozo)	€45.00
	Slot on TV Programme Kalamita - DV	€141.60
<b>Total</b>		<b>€10,101.94</b>

## **Annex 6. Cases registered at the DVU: 2017-2018**

### **a. Cases registered at the DVU by gender and age**

Age	2017			2018		
	Male	Female	Total	Male	Female	Total
<17	-	1	1	-	-	-
18-19	-	9	9	1	15	16
20-24	1	54	55	2	50	52
25-29	1	84	85	3	95	98
30-34	3	114	117	4	134	138
35-39	2	137	139	3	147	150
40-44	2	137	139	2	156	158
45-49	1	113	114	1	112	113
50-54	1	72	73	10	81	91
55-59	1	82	83	1	63	64
60+	5	123	128	9	108	117
Unspecified	-	28	28	-	10	10
Total	17	954	971	36	971	1,007

### **b. Cases registered at the DVU by gender and district**

District	2017			2018		
	Male	Female	Total	Male	Female	Total
Northern	2	175	177	7	178	185
Northern Harbour	4	304	308	14	299	313
South Eastern	5	145	150	6	132	138
Southern Harbour	3	219	222	3	231	234
Western	2	82	84	5	108	113
Gozo and Comino	-	8	8	1	12	13
Shelter	-	7	7	-	5	5
Foreign	-	1	1	-	2	2
Unspecified	1	13	14	-	4	4
Total	17	954	971	36	971	1,007

c. Cases registered at the DVU by type of abuse

Type of Abuse	2017			2018		
	Male	Female	Total	Male	Female	Total
Emotional	3	111	114	4	112	116
Emotional and financial	-	36	36	5	42	47
Emotional, financial and sexual	-	6	6	-	6	6
Emotional and neglect	-	19	19	-	15	15
Emotional, neglect and financial	-	6	6	-	4	4
Emotional, neglect, financial and sexual	-	1	1	-	-	-
Emotional, neglect and sexual	-	1	1	-	1	1
Emotional and physical	5	350	355	11	354	365
Emotional, physical and financial	2	108	110	-	109	109
Emotional, physical, financial and sexual	-	27	27	1	35	36
Emotional, physical and neglect	-	35	35	1	38	39
Emotional, physical, neglect and financial	-	13	13	-	14	14
Emotional, physical, neglect, financial and sexual	-	4	4	-	1	1
Emotional, physical, neglect and sexual	-	9	9	-	12	12
Emotional, physical and sexual	-	34	34	-	32	32
Emotional and sexual	1	5	6	1	7	8
Financial	-	2	2	1	-	1
Human trafficking	-	3	3	-	2	2
Neglect and financial	-	4	4	-	1	1
Physical	2	55	57	1	41	42
Physical and financial	-	2	2	-	2	2
Physical, financial and sexual	-	1	1	-	-	-
Physical and neglect	-	1	1	-	-	-
Physical, neglect and financial	-	1	1	-	1	1
Physical, neglect, financial and sexual	-	1	1	-	1	1
Physical, neglect and sexual	-	1	1	-	-	-
Physical and sexual	-	4	4	-	4	4
Unspecified	4	114	118	11	137	148
Total	17	954	971	36	971	1,007

**Annex 7. Statistical data of DV cases registered at all the Health Centres: 2017-2018**

Year		2017	2018
Total		180	138
Victim gender	Male	24	18
	Female	156	118
Victim age group	0 - 15	1	3
	16 - 30	42	25
	31 - 50	81	63
	51 - 70	34	17
Injury*	Pain and/or tenderness	120	78
	Bruises	91	75
	Cuts	52	27
	Fractures	6	4
	Psychological trauma	74	52
	Pulled hair	17	14
	Bites	6	8
	Burns	3	-
Other	24	19	
Perpetrator gender	Male	124	90
	Female	27	19
Perpetrator relationship	Spouse	76	53
	Partner	71	48
	Ex-Partner	-	8
	Parent	1	2
	Child	3	3
	Sibling	1	1
	Other relative	3	3

\* Totals may not tally since more than one injury code may be assigned to each case.

## **Annex 8. Staff working at the Ghabex Emergency Shelter: 2017-2018**

<b>2017</b>	
<b>Role</b>	<b>Amount</b>
1 leader 1 social worker 12 support workers	14 workers
Total cost	€170,352.83

<b>2018</b>	
<b>Role</b>	<b>Amount</b>
1 leader 1 social worker 10 support workers	12 workers
Total cost	€193,201.34*

\* The main difference in the total cost is linked to the allowances given to the workers, the different pay rise and workers increasing/reducing their working hours.

Note: Along the year there were terminations and replacement of staff. The costing is based on the actual time the workers worked at the service.

## **Annex 9. Cases registered at the Ghabex emergency shelter: 2017-2018**

### **a. Cases registered at the Ghabex emergency shelter by age and gender**

Age	2017			2018		
	Male	Female	Total	Male	Female	Total
>17	-	2	2	-	3	3
18-19	-	5	5	-	4	4
20-24	-	6	6	-	4	4
25-29	-	9	9	-	7	7
30-34	-	6	6	-	5	5
35-39	-	8	8	-	6	6
40-44	-	2	2	-	5	5
45-49	-	5	5	-	1	1
50-54	-	1	1	-	3	3
55-59	-	2	2	-	5	5
60+	-	6	6	-	9	9
Unspecified	-	6	6	-	3	3
<b>Total</b>	-	<b>58</b>	<b>58</b>	-	<b>55</b>	<b>55</b>

### **b. Cases registered at the Ghabex emergency shelter by age and district**

District	2017			2018		
	Male	Female	Total	Male	Female	Total
Western	-	2	2	-	5	5
Northern	-	8	8	-	8	8
Northern Harbour	-	17	17	-	18	18
South Eastern	-	4	4	-	2	2
Southern Harbour	-	15	15	-	18	18
Shelter	-	1	1	-	1	1
Homeless	-	1	1	-	-	-
Foreign	-	1	1	-	-	-
Unspecified	-	9	9	-	3	3
<b>Total</b>	-	<b>58</b>	<b>58</b>	-	<b>55</b>	<b>55</b>

**c. Cases registered at the Ghabex emergency shelter by type of abuse**

Type of Abuse	2017			2018		
	Male	Female	Total	Male	Female	Total
Emotional	-	3	3	-	8	8
Emotional and physical	-	29	29	-	11	11
Emotional and neglect	-	1	1	-	1	1
Emotional, physical, neglect and financial	-	1	1	-	-	-
Emotional, physical, neglect and sexual	-	-	-	-	1	1
Emotional, physical and sexual	-	1	1	-	5	5
Emotional and sexual	-	-	-	-	1	1
Human trafficking	-	7	7	-	4	4
Neglect and financial	-	-	-	-	1	1
Physical	-	2	2	-	2	2
Physical and sexual	-	1	1	-	-	-
Physical and neglect	-	-	-	-	1	1
Unspecified	-	13	13	-	20	20
<b>Total</b>	-	<b>58</b>	<b>58</b>	-	<b>55</b>	<b>55</b>

## **Annex 10. Admissions under PSPs by shelter: 2017-2018**

<b>Merħba Bik</b>								
<b>Person admitted</b>	<b>2017</b>				<b>2018</b>			
	<b>Male</b>	<b>Female</b>	<b>Not specified</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Not specified</b>	<b>Total</b>
Child	57	45	4	106	49	45	8	102
Mother	-	57	-	57	-	52	-	52
Adult (alone)	-	29	-	29	-	43	-	43
<b>Total</b>	<b>57</b>	<b>131</b>	<b>4</b>	<b>192<sup>1</sup></b>	<b>49</b>	<b>140</b>	<b>8</b>	<b>197<sup>2</sup></b>

<sup>1</sup> Some individuals attended more than once in the same year. In 2017, there were 208 admissions with 192 individuals.

<sup>2</sup> Some individuals attended more than once in the same year. In 2018, there were 214 admissions with 197 individuals.

<b>Fondazzjoni Sebħ (Dar Qalb ta' Gesu')</b>								
<b>Person admitted</b>	<b>2017</b>				<b>2018</b>			
	<b>Male</b>	<b>Female</b>	<b>Not specified</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Not specified</b>	<b>Total</b>
Child	18	19	1	38	16	13	1	30
Women	-	19	-	19	-	20	-	20
<b>Total</b>	<b>18</b>	<b>38</b>	<b>1</b>	<b>57</b>	<b>16</b>	<b>33</b>	<b>1</b>	<b>50</b>

<b>Dar Tereza Spinelli</b>						
<b>Age of person admitted</b>	<b>2017</b>			<b>2018</b>		
	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
18 and over	-	4	4	-	4	4
17 and under	2	2	4 <sup>3</sup>	-	1	1 <sup>5</sup>
<b>Total</b>	<b>2</b>	<b>6</b>	<b>8<sup>4</sup></b>	<b>-</b>	<b>5</b>	<b>5<sup>6</sup></b>

<sup>3</sup> The 4 persons aged under 18 entered the shelter with their mothers.

<sup>4</sup> In 2017 there were 8 admissions with 8 individuals.

<sup>5</sup> The 1 person aged under 18 entered the shelter with the mother.

<sup>6</sup> In 2018 there were 5 admissions with 5 individuals.

YMCA						
Age of person admitted	2017			2018		
	Male	Female	Total	Male	Female	Total
18 and over	1 <sup>1</sup>	3	4	-	1	1
17 and under	1	3	4 <sup>7</sup>	-	-	-
Total	2	6	8 <sup>8</sup>	-	1	1 <sup>9</sup>

<sup>7</sup> The 4 persons aged under 17 and under and 1 adult male entered the shelter with their mother.

<sup>8</sup> In 2017 there were 8 admissions with 8 individuals.

<sup>9</sup> In 2018, there was 1 admission with 1 individual.

Dar Emmaus						
Age of person admitted	2017			2018		
	Male	Female	Total	Male	Female	Total
18 and over	-	6	6	-	4	4
17 and under	6	4	10 <sup>10</sup>	1	-	1
Total	7	9	16 <sup>11</sup>	1	4	5 <sup>12</sup>

<sup>10</sup> The 10 persons aged under 17 and under entered the shelter with their mother.

<sup>11</sup> In 2017, there were 16 admissions with 16 individuals.

<sup>12</sup> In 2018, there was 5 admissions with 5 individuals.

## **Annex 11. PSPs between FSWS and NGOs: 2017-2018**

### **a. Residences working only on cases of DV**

<b>Name of Residence</b>	<b>Type of Agreement</b>	<b>The full costing as agreed in the contract</b>
Dar Merħba Bik	Lump sum (only DV admission cases)	2017 - €112,420.00
Fondazzjoni Sebħ <sup>1</sup>		2018 - €145,635.00
		2017 - €170,621.00
		2018 - €197,100.00

<sup>1</sup> Formerly known as Dar Qalb ta' Ġesu'.

### **b. Residences working on homeless shelters but also used for DV cases where no safety issues are identified**

<b>Name of residence</b>	<b>Type of agreement</b>	<b>Actual amount paid according to the amount of DV admissions</b>
Dar Teresa Spinelli <sup>1</sup>	Paid by bed night	2017 - €24,429.00*
		2018 - €9,014.00*
YMCA		2017 - €24,480.00*
		2018 - €11,648.00*
Dar Emmaus <sup>2</sup>	Lump sum	2017 - €130,320.00
		2018 - €130,320.00

<sup>1</sup> Fondazzjoni Suret il-Bniedem.

<sup>2</sup> Fondazzjoni Kenn u Tama.

\*The above Residential Homes receive a stipulated lump sum but since these Homes are not solely Domestic Violence, the costing was worked on the amount of admissions held.

## **Annex 12. Police cases: 2017-2018**

### **a. Police cases resulting in the death of a woman**

Year	Total number of cases	No. of female victims	Type of violence	Relationship to perpetrator	Location <sup>1</sup>	Prior knowledge to violence	Perpetrators convicted <sup>2</sup>
2017	1	1	Physical Abuse	None	Mosta	/	3 persons
2018	3	2	Domestic Violence	Son/Nephew	Għargħur	1 case	3 persons
		1		Partner	Sliema		
		1		Partner	Paola		

<sup>1</sup> Locality refers to the locality where the victim resides.

<sup>2</sup> All cases are still *sub-judice*.

### **b. Police cases in relation to acts of violence against women amounting to attempted murder**

Year	Total number of cases	No. of female victims	Type of violence	Relationship to perpetrator	Location <sup>1</sup>	Prior knowledge to violence	Perpetrators convicted <sup>2</sup>
2017	2	1	Domestic Violence	Partner	San Pawl il-Baħar	1 case	4 persons <sup>4</sup>
		1		Son	Żabbar		
2018	1	1	Domestic Violence	Partner	Marsa	2 cases <sup>3</sup>	

<sup>1</sup> Locality refers to the locality where the victim resides.

<sup>2</sup> All cases are still *sub-judice*.

<sup>3</sup> The same victim had reported violence more than once prior to attempted murder report.

<sup>4</sup> For one of the cases, there was more than one offender arraigned.

### **c. Police cases which resulted in the death of the children of the women victims**

Year	Total number of cases
2017	0
2018	0

**d. Police cases<sup>1</sup> in relation to all other cases of violence against women**

Year	Incident classification	Incident sub-classification	Age				
			Under 18	18 - 59	60 and over	Not specified	Total
2017	Bodily harm	GBH by physical force	2	21	2	-	25
		GBH with arms improper	1	5	-	-	6
		GBH with arms proper	-	1	-	-	1
		SBH by physical force	26	227	9	-	262
		SBH with arms improper	1	22	6	-	29
		SBH with arms proper	-	2	-	-	2
		Total	30	278	17	-	325
	Domestic violence	GBH by physical force	1	23	3	-	27
		GBH with arms improper	-	-	1	-	1
		GBH with arms proper	-	1	-	-	1
		SBH by physical force	20	421	31	-	472
		SBH with arms improper	-	25	1	-	26
		SBH with arms proper	1	3	-	-	4
		Psychological Harm	15	463	34	-	512
		Stalking	-	21	-	-	21
Total	37	957	70	-	1,064		
Total	67	1,235	87	-	1,389		
2018	Bodily harm	GBH by physical force	-	8	-	-	8
		GBH with arms improper	1	5	2	-	8
		GBH with arms proper	1	3	1	-	5
		SBH by physical force	21	252	23	-	296
		SBH with arms improper	3	15	1	-	19
		SBH with arms proper	-	6	-	-	6
		Total	26	289	27	-	342
	Domestic violence	GBH by physical force	-	19	2	-	21
		GBH with arms improper	1	4	1	-	6
		GBH with arms proper	-	1	-	-	1
		SBH by physical force	24	464	26	1	515
		SBH with arms improper	1	16	1	-	18
		SBH with arms proper	-	2	1	-	3
		Psychological Harm	16	531	50	1	598
		Stalking	2	18	-	-	20
Total	44	1,055	81	2	1,182		
Total	70	1,344	108	2	1,524		

<sup>1</sup> The number of females registered as victims of alleged Bodily Harm and DV cases entered in the National Police System (NPS) throughout all Police Districts around Malta and Gozo.

Note: With reference to the table acronyms, GBH means grievous bodily harm and SBH means slight bodily harm (as listed in Art. 214 *et sequitur* of Chapter 9 of the Laws of Malta). These figures do not reflect the number of reported incidents since a single report may involve multiple victims. The incident sub-class relates to the type of report entered and when multiple victims are registered in one report, the incident sub-class reflects the nature of the most serious of offences.

**Annex 13. Cases of assistance given to female victims of DV by the Victim Support Unit: 2017**

Cases of assistance		Total
Total		84
Age category	Under 18 years	9
	Adults	75
Relationship to perpetrator	Husband	32
	Partner	30
	Father	9
	Son/daughter	8
	Brother	3

## **Annex 14. Court cases: 2014-2018**<sup>66</sup>

### **a. Court cases resulting in the death of a woman: 2014-2018**

<b>Number of cases and details</b>		
Number of cases	5	
Number of perpetrators convicted in relation to these cases	5	
The number and type of sanctions and further measures imposed as a result of criminal proceedings	3 perpetrators in 3 separate cases were given life imprisonment, 1 of which was given solitary confinement for several periods.	In all 5 cases fines and expert fees were imposed together with the prison sentence.
	1 perpetrator was given a 35-year prison sentence.	
	1 perpetrator was given a 25-year prison sentence.	

### **b. Court cases in relation to acts of violence against women amounting to attempted murder: 2014-2018**

<b>Number of cases and details</b>		
Number of cases	4	
Number of perpetrators convicted in relation to these cases	4	
The number and type of sanctions and further measures imposed as a result of criminal proceedings	1 perpetrator was given a 40 years prison sentence.	In all 4 cases the perpetrators were ordered to pay expert fees. In 2 cases the perpetrators were also ordered to pay a fine. In 1 case the perpetrator was ordered to have continuous care during his stay in prison.
	1 perpetrator was given 7 and a half years.	
	1 perpetrator was given 10 years imprisonment.	
	1 perpetrator was given 6 years imprisonment.	

<sup>66</sup> Reference period could not provide information for 2017 and 2018 separately.

**c. Court cases in relation to all other cases of violence against women: 2014-2018**

Number of cases and details		
Number of cases	71	
Number of perpetrators convicted in relation to these cases	57	
The number and type of sanctions and further measures imposed as a result of criminal proceedings by number of perpetrators <sup>1</sup>	Imprisonment	9
	Suspended sentence	14
	Fine	9
	Expert fees	4
	Protection orders	15
	Probation orders	8
	Supervision orders	4
	Restraining orders	7
	Treatment orders	5
	Conditional discharge	9

<sup>1</sup> The number of perpetrators does not add up as one perpetrator could have multiple sanctions. For example, one perpetrator could have been awarded a suspended sentence together with a protection order, probations order and a fine.

Note. Figures above are in relation to compilation cases. These figures were collected manually given that the computerised system does not provide the offence of domestic violence as a category. Court administration had to collect such data from deputy registrars listing cases in relation to DV

**d. Sanctions to summary cases of DV (female victim) and by judged year<sup>1</sup>: 2015-2018**

Judgement	2017	2018
Total	480	323
Extinguishment of Action (Proċediment Eżawrit)	360	255
Not Guilty (Mhux Hati)	37	24
Guilty (Hati) <sup>2</sup>	44	19
Guilty - Imprisonment (Hati - Habs)	2	1
Guilty - Fine (Hati - Multa)	2	1
Guilty - Suspended sentence (Hati - Sentenza Sospiza)	2	1
Guilty - Fine (Hati - Ammenda)	2	1
Guilty - Detention (Hati - Detenzjoni)	1	-
Abstain (Astensjoni)	1	4
Conditional discharge (Liberazzjoni Kondizzjonata)	6	3
Reprimand and Admonition	9	4
Time Barred	12	6
Withdrawn (Irtirata)	2	4

<sup>1</sup> Figures have been extracted from the computerised system at the Law Courts.

<sup>2</sup> Includes judgements which found the alleged perpetrator guilty, but which had no information on the outcome of the guilty judgment recorded in the system.

**Annex 15. The number of Protection orders and restraining orders issued in relation to summary proceedings<sup>1</sup>: 2016-2018**

Year	Number of protection orders	Number of restraining orders
2016	21	71
2017	5	86
2018	1	93

<sup>1</sup> Includes all summary cases, i.e. includes DV cases but is not exclusive to.

Note: In compilation of evidence in cases of DV there were in total 15 protection orders and 7 restraining orders between 2016 and 2018. These sanctions may be awarded in the beginning of the case. Data cannot be extracted automatically.

## **Annex 16. Initial training (education or professional training) by HRID: 2017-2018**

### **a. Initial training (education or professional training) - Stage 1**

	Prevention and detection of violence	Standards of intervention	Equality between women and men	Needs and rights of victims	Prevention of secondary	Multi-agency cooperation	Length of curriculum	Total
Police and other law enforcement officials	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	96
Judges	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 day	33
Social workers <sup>1</sup>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	105
Medical doctors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	23
Nurses and midwives	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	146
Educational staff and school administrators <sup>1</sup>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	220
Any other relevant category	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	93
NGOs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	46
Probation Officers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	23
Legal Aid Lawyers and professionals from the Department of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	7
Other professionals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	17

<sup>1</sup> Also includes psychologists, in particular counsellors/psychotherapists.

**b. Initial training (education or professional training) - Stage 2**

	Prevention and detection of violence	Standards of intervention	Equality between women and men	Needs and rights of victims	Prevention of secondary	Multi-agency cooperation	Length of curriculum	Total
Police and other law enforcement officials	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	78
Judges	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 day	28
Social workers <sup>1</sup>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	94
Medical doctors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	9
Nurses and midwives	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	118
Educational staff and school administrators <sup>1</sup>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	198
Any other relevant category	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	75
NGOs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	39
Probation Officers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	24
Legal Aid Lawyers and professionals from the Department of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	5
Other professionals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3 days	7

<sup>1</sup> Also includes psychologists, in particular counsellors/psychotherapists.

**Annex 17. Training (education or professional training) to FSWS employees (social workers, social support workers, executives, psychologists and family therapists: 2017-2018**

**a. Initial training to FSWS employees**

	Prevention and detection of violence	Standards of intervention	Equality between women and men	Needs and rights of victims	Prevention of secondary victimisation	Multi-agency cooperation	Prevention and detection of violence
1	<i>Action on Femicide</i> (Malta): 2-day training. Attended by 4 social workers 2-day training (03/2017).	<i>EU Responses to GBV: An Intersectional Perspective</i> (Malta): 1-day training. Attended by 8 social workers (02/2017).	<i>The other side of the kitchen: The political liveliness of the domestic</i> (Malta): 2-hour session. Attended by 1 social worker (02/2018).	<i>CGBVDV Annual Conference 2017 - Listen to Me. Giving Children a Voice</i> (Malta). Attended by 41 social worker and a researcher (11/2017).	<i>Bystanders Final Dissemination Conference</i> (Malta). Attended by 1 social worker (10/2018).	<i>UNHCR and DVS: Strengthening the Multi-Agency Approach</i> (Malta): 3-hour session (07/2017).	<i>DV Interventions with couples</i> (Malta): 1-day training. Attended by 1 family therapist (05/2017).
2	<i>Understanding DV and FGM</i> (Malta): 1-day training. Attended by 9 social workers (05/2017).	<i>Training: Full Cooperation - Zero Violence</i> (Malta): 3-day training. Attended by 50 social workers (2017).		<i>Għajta Moħbija – Il-Vjolenza Domestika u l-Faqar</i> (Malta): 1-day training. Attended by 1 social worker (11/2017).	<i>ISPCAN Conference on Child Protection and DV</i> (Hague). Attended by a service manager.	<i>Malta Gay Rights Movement and DVS: Strengthening Multi-Agency Approach</i> (Malta): 3-hour session (08/2017).	<i>Seminar on Istanbul Convention</i> (Malta): 1-day training. Attended by 8 social workers (05/2017).
3	<i>Sexual GBV Prevention and Response</i> (Malta): 5-day training. Attended by 3 social workers (11/2017).	<i>Full Cooperation: Zero Violence</i> (Malta): 3-day training. Attended by 50 social workers (2018).		<i>BASPCAN - 10<sup>th</sup> International Congress</i> (Coventry): 4-day training. Attended by 2 service managers and 1 service area leader (04/2018).		<i>Family violence - Working systematically with risk, responsibility and collaboration</i> (Malta): 1-day training. Attended by 5 social workers and psychologists (02/2018).	<i>Child to Parent Violence and Children Witnessing Violence</i> (Malta): 5-day training. Attended by 115 social workers (10/2017).
4	<i>European Observatory on Femicide</i> (Malta): 1-day training. Attended by 2 social workers (03/2018).	Full Cooperation: Zero violence train-the-trainer programme (Malta): 1-day training (2018)		<i>WAVE Conference 2018</i> (Malta): 2-day training. Attended by 21 social workers (10/2018).		<i>Stakeholders Meeting on Services and Support for Survivors of SGVB</i> : 3-hour session. Attended by 1 social worker (03/2018).	<i>The Couple Relationships in the 21<sup>st</sup> Century</i> (Malta). Attended by social workers, psychologists and family therapists (02/2018).

	Prevention and detection of violence	Standards of intervention	Equality between women and men	Needs and rights of victims	Prevention of secondary victimisation	Multi-agency cooperation	Prevention and detection of violence
5	<i>CGBVDV Annual Conference on Prevention (Malta). Attended by 23 social workers (06/2018).</i>					<i>Mapping Support Services for Victims of Violence Against Women (Strasbourg): 1-day training. Attended by 1 social worker (11/2018).</i>	<i>DV Interventions - IPV as challenge for Social and Health Care Professionals: 1-day training. Attended by 6 social workers (04/2018).</i>
6	<i>SGBV Prevention and Response (Malta): 3-day training. Attended by 1 social worker (11/2018).</i>						<i>Combating Human Trafficking Today (Malta): 1-day training. Attended by 1 social worker (09/2018).</i>
7	<i>Tackling Violence Against Women and Girls (Brussels): 1-day training. Attended by the Operations Director of Aġenzija Appoġġ (11/2018).</i>						

Note: The Social Support Workers of the Emergency Shelter, Għabex as well as the employees within the DVS sector attended various other training which is not directly related to DV and GBV yet such training is necessary to fulfil the roles in an effective manner.

**b. In-service training to FSWS employees**

<b>Area</b>	Supervised Access Visits Supervisor, FSWS	Social workers, FSWS	Supportline 179 Personnel, FSWS
<b>Number of professionals trained</b>	Supervisors of the Supervised Access Visits Services (Malta) attended by 25 supervisors.	Outside Office Hours Emergency Service Social Workers (Malta) attended by 10 social workers.	Training session to employees and volunteers working on Supportline 179 attended by 21 volunteers.
<b>Mandatory nature</b>	Yes	Yes	Yes
<b>Average length of curriculum</b>	2 hours	3 hours	3 hours
<b>Periodicity</b>	1 session	1 session	1 session
<b>Date</b>	20 <sup>th</sup> June 2018	18 <sup>th</sup> October 2018	24 <sup>th</sup> November 2018
<b>Funding source</b>	FSWS	FSWS	FSWS
<b>Body mandated to carry out/Certify in-service training</b>	Service Area Leader, DVS	Service Area Leader, DVS	Services Area Leader, DVS.
<b>Training efforts supported by guidelines and protocols</b>	Yes	Yes	Yes