

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Comments submitted by Malta
on GREVIO's final report on the implementation
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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Comments by the Government of Malta on GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention)

Introduction

The Government of Malta welcomes the Evaluation Report by the Council of Europe Group of Experts on Action against Women and Domestic Violence (GREVIO) and appreciates the comprehensive efforts which GREVIO has undertaken in the monitoring process throughout 2019 and 2020.

The Government fully supports and upholds the Istanbul Convention. This is also evidenced in concrete terms by the extensive measures taken to effectively implement the Convention including the substantial and extensive amendment, in 2018, of national legislation in order to ensure Malta's full adherence to the principles and objectives of the Convention.

Action taken includes the adoption of Malta's first national strategy '**Society's Concern: Gender-Based Violence and Domestic Violence Action Plan**' in 2018. Furthermore, Government is committed to launching and implementing a second national strategy for the years 2021-2022. This strategy puts forward policy measures based on a number of GREVIO recommendations and is built on the four pillars of the Convention: (1) prevention, (2) protection, (3) prosecution, and (4) integrated policies.

This strategy also addresses the need for a more consistent approach in research, data collection and training for professionals. In fact, throughout 2021, Government is committed towards (i) developing research in the area of children witnessing and/or experiencing domestic violence; (ii) gaining a better understanding of the operational aspect of the justice system for victims of GBV and DV; and (iii) providing specialised training programmes for professionals based on a training needs analysis with the relevant stakeholders.

Moreover, Government recognises the need to expand its policy efforts and service provision in addressing not only DV but also GBV. Government is also committed towards addressing the existing gaps in the service provision of migrant women and victims of sexual violence to ensure that these individuals receive the required professional service. These gaps will be addressed by taking stock and analysing the current situation and proactively address the specific needs of these vulnerable groups.

Government is committed towards strengthening its awareness raising campaigns to address gender stereotypes and issues in relation to inequalities between men and women. Preventive work in schools will continue to be strengthened through closer collaboration between the Commission on Gender-based Violence and Domestic Violence and the Ministry for Education and Employment. Awareness raising campaigns will also target university students on campus and online in the coming months.

Whilst Government has its reservations about what it considers as somewhat unwarranted statements about the Maltese judiciary's understanding of certain DV issues and wishes to refer to the tradition of fair and balanced case law in this regard, it will nevertheless take due note of such undoubtedly well intentioned comments and will engage with the judiciary, within the limits of respect for judicial independence, on the matters raised.

During the COVID-19 lockdown March – June 2020, Malta launched a specialised legal service for victims of GBV & DV through Legal Aid Malta. Victims can receive legal counsel and also be referred to other support services free of charge. Moreover, the national helpline 179 was strengthened to specifically address calls from victims of GBV and DV. This service will also be part of the European helpline for victims of GBV and DV: an initiative taken by the German Presidency and fully supported by Malta.

Through the Inter-ministerial committee for the implementation of the National Action Plan on GBV & DV, Government is also committed towards holding regular meetings with NGOs so as to strengthen multi-agency cooperation, networking and coordination among all the stakeholders working in the field. Such collaboration will ensure that the victims' concerns and needs are raised and addressed.

Government will establish protocols and guidelines in the education, health and justice sectors to strengthen cooperation and coordination amongst the various stakeholders as well as holding professionals accountable of their interventions with victims experiencing GBV and DV. Such protocols will also strengthen data collection and research in the various sectors.

Malta also recognises that considerable human and financial resources are needed in order to implement the GREVIO recommendations. In fact, Government has once again increased the Commission's funding to ensure that continuous and consistent coordination and monitoring of the Istanbul Convention obligations and the national strategy takes places across the various ministries and facilitates collaboration with NGOs. Government and NGOs' collaboration is further strengthened through Public Social Partnerships, whereby NGOs could utilise public funding to deliver services for victims of GBV and DV.

As the coordinating body, the Commission on Gender-based Violence and Domestic Violence is committed to ensure that the recommendations put forward by the GREVIO team are adhered to and in line with Government's policy objectives in the field of GBV and DV. This will be done through the Inter-Ministerial Committee for the implementation of the national strategy and action plan on GBV and DV.

The Government of Malta has given GREVIO's esteemed recommendations its due consideration and welcomes the opportunity to provide its comments on the report.

Acronyms

AWAS	Agency for the Welfare of Asylum Seekers
CAPES	Child and Adolescent Psychiatric Emergency Services
CEPEJ	Council of Europe European Commission for the efficiency of justice
CDV	Commission on Gender-based Violence and Domestic Violence
CP	Child Protection
CPD	Continuous Professional Development
CSA	Court Services Agency
DAIP	Domestic Abuse Intervention Programme
DLAP	Directorate for Learning and Assessment Programmes
DOJ	Department of Justice
DPP	Department of Probation and Parole
DV	Domestic Violence
DVU	Domestic Violence Unit
EASO	European Asylum Support Office
FSWS	Foundation for Social Welfare Services
GBV	Gender-Based Violence
HOD	Head of Department
IOM	International Organisation for Migration
IPA	International Protection Agency
MCAST	Malta College of Arts, Science and Technology
MEDE	Ministry for Education and Employment
MFCS	Ministry for the Family, Children's Rights and Social Solidarity
MFH	Ministry for Health
MFIN	Ministry for Finance
MHSE	Ministry for Home Affairs, National Security and Law Enforcement
MOU	Memorandum of Understanding
NAO	National Audit Office
NSSS	National School Support Services
PSCD	Personal, Social and Career Development

PSPs	Public Social Partnerships
RefCom	Office of the Refugee Commissioner
SAR	Search and Rescue
SAV	Supervised Access Visits
SEC	Secondary Education Certificate
SfCE	Secretariat for Catholic Education
SGBV	Sexual and Gender-Based Violence
SHPs	Specialised Housing Programmes
SLT	Senior Leadership Team
SOGI	Sexual Orientation and Gender Identity
TCN	Third Country Nationals
UNHCR	United Nations Refugee Agency
VO	Voluntary Organisations

Malta's proposals to GREVIO's recommendations

I.	Purposes, definitions, equality and non-discrimination, general obligations	
A.	<p data-bbox="194 271 667 300"><i>General Principles of the convention</i></p> <p data-bbox="108 344 1286 495">7. <i>With a view to ensure clarity of the legal provisions in force, GREVIO encourages the Maltese authorities to amend national laws where inconsistencies persist between the Istanbul Convention and national law, and the latter does not offer a higher degree of protection.</i></p> <p data-bbox="194 539 1299 651">Malta has and will continue to be supportive of the principles in built within, and notions underlying, the Istanbul Convention, which principles and notions have been solidly included within national legislation, bar possibly in nomenclature.</p> <p data-bbox="194 696 1299 887">It is therefore Malta's view that national legislation is not inconsistent with the Convention. Malta strongly upholds that all individuals should be offered the same legal guarantees against violence, and this regardless of their sex, gender, or gender identity, among other characteristics. This position is in line with the universality of legal application.</p>	
B.	Scope of application of the convention and definitions (Articles 2 and 3)	
13.	<p data-bbox="194 1088 1286 1279"><i>GREVIO urges the authorities to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women, beyond domestic violence, which are currently less addressed by policies, programmes and services, notably, rape and sexual violence, FGM, forced marriage, forced abortion, forced sterilisation and stalking.</i></p> <p data-bbox="194 1301 1286 1491"><i>GREVIO furthermore recalls that Article 2, paragraph 1 of the Istanbul Convention affirms that all forms of violence against women, including domestic violence, affect women disproportionately and are a form of discrimination against women. It therefore strongly encourages the Maltese authorities to ensure that both national legislation and policies reflect this fundamental principle of the Istanbul Convention.</i></p> <p data-bbox="194 1536 1299 1648">This recommendation is already in place through national legislation and policy; but it will continue to be given priority and emphasised in Malta's second national strategy for gender-based violence and domestic violence for years 2021-2022.</p>	
C.	Fundamental rights, equality and non-discrimination (Article 4)	
2.	<p data-bbox="194 1771 568 1800"><i>Intersectional discrimination</i></p> <p data-bbox="108 1845 1286 2031">21. <i>GREVIO strongly encourages the Maltese authorities to address intersectional discrimination in its Strategy on Violence against Women and, in particular, to:</i></p> <p data-bbox="242 1924 1286 2031">a. <i>carry out studies examining the incidence of violence against women experienced by women belonging to specific vulnerable categories, such as women with disabilities, women in prostitution and migrant/asylum seeking</i></p>	

	<p>women;</p> <p>b. <i>include in policies specific measures aimed at preventing, protecting and prosecuting violence committed against particular vulnerable categories of women, subject to multiple discrimination.</i></p> <p>The Maltese Government will ensure that recommendations (a) and (b) will be addressed in the 2021-22 Strategy. The competent authorities (through the Inter-Ministerial Committee) will continue to liaise together in addressing discrimination and intersectionality in policy and service provision. The Commission’s coordination will ensure that specific vulnerable categories of women will receive the necessary services without being discriminated.</p>	
II.	Integrated policies and data collection	
A.	<p><i>Comprehensive and co-ordinated policies (Article 7)</i></p> <p>29. <i>GREVIO encourages the Maltese authorities to address at the policy level the significant barriers and difficulties encountered by victims who are in Gozo in the area of protection and support, as well as investigation and prosecution. GREVIO further strongly encourages the Maltese authorities to ensure that the Inter-Ministerial Committee ensure regular consultations with civil society and that, more generally, the Maltese authorities support co-operation with all non-governmental actors and ensure their participation in the design of policies, legislative changes and programmes.</i></p> <p>The Maltese Government acknowledges the barriers and difficulties encountered by victims in Gozo; and will examine the possible ways and means for strengthening service provision in Gozo.</p> <p>Moreover, Malta is already implementing this recommendation. In fact, as of 2020, a total of eight meetings were held with NGOs to discuss service provision and implementation of policy measures. Due to the COVID-19 emergency, some meetings were held online to discuss how the pandemic has affected service provision.</p>	
B.	<p>Financial resources (Article 8)</p> <p>32. <i>GREVIO encourages the Maltese authorities to increase funding for activities to prevent and combat violence against women and include measures that target all forms of violence against women, beyond domestic violence. GREVIO, furthermore, encourages the Maltese authorities to ensure that sums disbursed to NGOs providing services in the area of violence against women under a public social partnership agreement, enable them to fully meet the needs of all victims in a sustainable manner and on a long-term basis.</i></p> <p>The Ministry for the Family, Children’s Rights and Social Solidarity (MFCS) has a number of Public Social Partnership (PSPs) agreements with voluntary organisations (VOs) working to eradicate violence against women which includes not only domestic violence but also forced abortion, female genital mutilation and other abuses on women. The majority of these PSPs assisting women offer a residential-based service, both in the form of first-stage and second-stage shelters leading to a semi-</p>	

	<p>independent or independent living without their perpetrator. However, the Ministry has lately also entered into an agreement with a VO that supports vulnerable pregnant mothers who choose life for their child/children. In addition, there are plans for MFCS to enter into an agreement with a VO that assists vulnerable women by offering a long-term service to domestic violence survivors.</p> <p>Another VO which benefits from government funding, deals with various types of violence on human beings. Currently, discussions are underway to increase funding to this VO in collaboration with the Ministry for Health to strengthen the ongoing holistic service which would include psychosocial, legal, and medical assistance. This collaboration, which should kick start in 2021, is a first step in the right direction to ensure a sustainable long-term service to all victims out there.¹</p>	
C.	<p>Non-governmental organisations and civil society (Article 9)</p> <p>38. <i>GREVIO strongly encourages the Maltese authorities to put in place a dedicated, transparent and accountable public procedure to obtain funding for NGOs which provide specialist support services to victims of all forms of violence against women and their children, that places due emphasis on their experience and track record in providing such services. GREVIO further strongly encourages the Maltese authorities to remove mandatory referrals from Agenzija Appogg to access domestic violence shelters, including by offering women victims of domestic violence the possibility to self-refer.</i></p> <p>Malta would like to reiterate that it is not the case that victims in need of shelter require a ‘mandatory referral from Agenzija Appogg to access such DV shelters’.</p> <p>As explained during the Malta visit PSPs are signed by the NGO, the Permanent Secretary MFCS and CEO – FSWS as the agency of the Ministry which is actually “buying” the service on behalf of the Ministry. It must be pointed out that these cases involve public funds for which everyone has to be accountable and the National Audit Office has repeatedly called for the Ministry and FSWS to improve and upgrade verification processes to ensure that the money given to NGOs via these PSPs is used in the way it is intended to be used. Thus, under the direction of MFIN and NAO, MFCS have solved this, in all PSPs by having FSWS refer vulnerable people of all categories for the particular service they need. Subsequently the actual bed-nights are verified and payments are authorised. This methodology has worked well for all other NGOs and there is no reason why it should not work in the area of domestic and gender-based violence as well.</p>	
D.	<p>Co-ordinating body (Article 10)</p> <p>44. <i>GREVIO encourages the Maltese authorities to set up separate bodies, on one hand for the co-ordination and implementation of policies and measures, and on the other</i></p>	

¹ (Refer to Table in Annex 1: Funds provided through agreements for services covering gender-based violence and domestic violence)

	<p><i>hand for their monitoring and evaluation, in order to ensure objectivity. It further encourages the Maltese authorities to raise the funding available to the Commission on Gender based Violence and Domestic Violence and provide for budgets with a longer time-frame than is currently the case, to enable the Commission to plan its activities in a more sustainable and effective manner.</i></p> <p>Presently CDV submits a three-year plan which is then reviewed on a yearly basis. The Maltese Government has committed itself to investing more funds and more human resources in order to strengthen the Commission. At this stage Malta considers that it would not be advisable to separate the roles of coordination and implementation from monitoring and evaluation. In turn, it will ensure that independent evaluation mechanisms are in place to evaluate effectiveness of policy measures, adequate implementation of services as well as legislative measures.</p>	
<p>E.</p> <p>1.</p> <p>52.</p>	<p>Data collection and research (Article 11)</p> <p><i>Administrative data collection</i></p> <p><i>GREVIO strongly encourages the Maltese authorities to ensure the comprehensive collection of disaggregated data in relation to all forms of violence covered by the Istanbul Convention at all stages of criminal justice (from reporting, to investigation, to the opening of criminal proceedings and their outcome), disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim. Such data should be co-ordinated and comparable so that cases can be tracked at all stages of the law-enforcement and judicial proceedings. To this end, GREVIO encourages the Maltese authorities to issue guidelines on data collection for the police and justice sectors. Such steps would allow the Maltese authorities to assess the effectiveness of criminal justice system and to study the factors that lead to low prosecution and conviction rates and to take legislative and policy measures to address these.</i></p> <p>The Maltese Government strongly agrees that this is an important priority. Quarterly meetings are held with the various stakeholders and the National Statistics Office in order to harmonise the data collection process. Dedicated meetings were also held with the Police Force and to date, modest but definite progress has been made in this area. Data collection from the Justice System presents a challenge so far as data is still collected manually. However, the Ministry for Justice, Equality and Governance is currently working with the Council of Europe European Commission for the Efficiency of Justice (CEPEJ), in order to draft the first Maltese digital justice strategy. The project, funded through the SRSS funds at the EC, has the following objectives:</p> <ul style="list-style-type: none"> - supporting the co-ordination of past and future ICT initiatives whilst preparing for a Digital Justice Strategy in line with European best practices; - supporting the Maltese authorities in developing the draft digital strategy and its action plan with a comprehensive consultation process with all key stakeholders 	

	<p>Once the strategy is adopted, it will ensure an integrated approach to digitalisation across all justice entities in order to improve the efficiency of justice for all users of the system.</p> <p>This is a step forward in Malta’s efforts to strengthen data collection on forms of violence amongst the various stakeholders working in the field of violence against women and domestic violence.</p>	
53.	<p><i>It further strongly encourages the Maltese authorities to collect disaggregated data on:</i></p> <ul style="list-style-type: none"> <i>a. the number of protection orders issued in the context of civil proceedings;</i> <i>b. the number of Temporary Protection Orders issued, their violations, and the sanctions imposed as a result of such violations in cases of violence against women;</i> <i>c. the number of protection orders issued in the context of criminal proceedings, including the number of violations and sanctions imposed as a result of such breaches and the number of cases where the woman was revictimised or murdered because of such breaches;</i> <i>d. data on the number of decisions on custody/visitation/residence of children which expressly have taken into account reports of domestic violence;</i> <i>e. whether victims of all forms of violence use the remedies available to address authorities’ failure to diligently prevent, investigate and punish acts of violence covered by the scope of the Istanbul Convention;</i> <i>f. the number of cases in which women victims of violence have claimed and have obtained compensation either by the perpetrator or the state for offences covered by the Istanbul Convention; and</i> <i>g. access to social services and to health with respect to other forms of violence against women under the Convention, other than domestic violence.</i> <p>Through the Department of Justice, the Court Services Agency and the Commission on GBV & DV, Malta will formalise collaboration regarding the management of the available desegregated data in respect of victims of GBV & DV. Current available data on cases heard before the Court of Magistrates Criminal Jurisdiction which is the competent court in these matters will be collated in line with this recommendation.</p> <p>Furthermore, the CSA has since 2020 started keeping data on how many TPOs and Protection Orders are being issued by the Magistrates and data with regards to decisions of domestic violence will also be analysed.</p>	
2.	Population-based surveys	
55.	<p><i>GREVIO encourages the Maltese authorities to carry out dedicated surveys on all forms of violence against women at regular intervals. All surveys should be conducted with the use of methods which allow women to feel safe and free to disclose incidents of violence.</i></p>	

	<p>Malta will be participating in the EU wide population-based survey led by Eurostat in 2021/2022; but this does not exclude holding other national-based surveys to address different forms of violence against women.</p>	
3.	<p>Research</p> <p>59. <i>GREVIO encourages the Maltese authorities to step up their support for academic research into issues related to violence against women, including by financially encouraging research into these areas. When designing policies and laws that aim to prevent and combat violence against women, GREVIO invites the authorities to draw from the expertise and the findings of research in the area of violence against women. GREVIO further encourages the Maltese authorities to evaluate existing policies and legislative measures and assess their level of implementation, efficacy and victim satisfaction, also in light of research in the area of violence against women.</i></p> <p>Malta will once again be including research in its national strategy. It will continue to collaborate closely with the University of Malta and the Malta College of Arts, Science and Technology to carry out academic research in this field. The Maltese Government welcomes and reiterates the importance of evaluating existing policies and legislative measures to assess levels of implementation, efficacy and victim satisfaction.</p>	
60.	<p><i>GREVIO, moreover, encourages the authorities to support research on all forms of violence against women and on violence which affects specific groups of victims, such as women from ethnic minorities.</i></p> <p>This is being addressed in proposal 59 with a view to also include the intersectional aspect in the second national strategy.</p>	
III.	<p>Prevention</p>	
A.	<p>Awareness-raising (Article 13)</p> <p>65. <i>GREVIO strongly encourages the Maltese authorities to promote on a regular basis awareness-raising campaigns to increase awareness among the general public of the different manifestations of all forms of violence covered by the scope of the Convention, beyond domestic violence. The Maltese authorities should in particular:</i></p> <ul style="list-style-type: none"> <i>a. ensure that sufficient and sustainable funding is made available for awareness raising campaigns, including, for this purpose, to women’s support services and women’s NGOs.</i> <i>b. Carry out research on the impact that awareness-raising campaigns have had on the Maltese population and the way they perceive sexism, gender equality and gender- based violence.</i> 	

	<p>Malta is committed towards strengthening awareness-raising campaigns in the field of gender-based violence, violence against women and domestic violence as well as to implement a mechanism whereby periodic research is carried out to assess the impact of such campaigns.</p> <p>National awareness-raising campaigns are carried out via social media, through national TV and radio programmes as well as newspaper articles.</p> <p>CDV's facebook and Instagram pages are also constantly updated and utilized for spreading awareness themes on violence against women and domestic violence online.</p>	
B.	Education (Article 14)	
70.	<p><i>GREVIO encourages the Maltese authorities to strengthen the teaching of all of the different forms of gender-based violence against women, including the provision of more in-depth information on the characteristics and dynamics of domestic violence and the specific vulnerability of women at the intersection of discrimination, at all levels of education, adapted to the evolving capacity of learners.</i></p> <p>In view of the fact that a number of schools in Malta are run by the Catholic Church, proposals for this recommendation have been submitted by the Ministry for Education and Employment and the Secretariat for Catholic Education.</p> <p>Ministry for Education and Employment</p> <p>From a curriculum perspective for compulsory subjects, mainly in PSCD at Primary and in Secondary levels (Middle and Senior/Secondary cycle), learning outcomes up to year 9 (Form 3) have included education in relation to domestic violence and discrimination. These subjects are also tackled in Social Studies and Ethics. In ETHICS (SEC) syllabus examination, which is in a phasing-in stage, students are taught various components in relation to: sexting, revenge porn, abuse, gender abuse, violence etc...</p> <p>However, more needs to be done and recent engagements are directed towards giving more importance to the subject by:</p> <ul style="list-style-type: none"> • Teaming up with the Commission on Gender-based Violence and Domestic Violence for an educational programme for secondary students (teenagers) on 'dating violence'; • Providing professional development sessions on a voluntary basis to all Education Officers who in turn, due to the professional training acquired, can help and provide support to Heads of Department and Teachers; • Continuously updating the related subjects mainly PSCD and ETHICS to include learning outcomes in relation to the above. <p>Higher Educational Institutions like the University of Malta and MCAST provide a number of programmes of study/study units and courses addressing gender, gender equality, and gender-based violence.</p>	

	<p>Secretariat for Catholic Education (SfCE)</p> <ul style="list-style-type: none"> • The Heads of Departments (HODs) for PSCD and Guidance collaboratively will carry out an internal audit among respective teachers to evaluate the current situation in terms of individual professional knowledge, the delivery of lessons related to the specific learning outcomes as well as the use of toolkits available. • Following an internal audit and identification of needs, a ‘train the trainer’ course will be offered to HODs PSCD, HODs Guidance, Social Workers and Youth Workers, in collaboration with our partners. • The new trainers will offer workshops to different audiences such as PSCD teachers primary, Guidance teachers primary, PSCD and /or Guidance teachers secondary on in-depth knowledge about gender-based violence. Workshops will also include examples of blending the use of available toolkits – Expect Respect (by Women’s Aid) and Voices against Violence (by WAGGGS & UN Women) with the learning outcomes. • The trained Social Workers, Youth Workers and Guidance teachers will then support schools organising live-ins for middle school and secondary school students based on Voices against Violence curriculum. Such live-ins are recommended to be school-based during which the school psychosocial team will be present for follow-up of any individual cases. However, SFCE can offer one or two live-ins open to participants from different schools. 	
C.	Training of professionals (Article 15)	
78.	<p><i>GREVIO urges the Maltese authorities to equip the police with the knowledge and powers to respond promptly and appropriately to all forms of violence against women covered by the Istanbul Convention. In particular, the Maltese authorities should:</i></p> <ol style="list-style-type: none"> <i>a. step up initial and in-service training on all forms of violence against women for all police officers who directly or indirectly receive/investigate such offences. Training should in particular:</i> <ol style="list-style-type: none"> <i>i. address all forms of violence against women covered by the Istanbul Convention;</i> <i>ii. address the concept of power and control and the need to adequately record patterns of abuse in the context of domestic violence;</i> <i>iii. Instruct on how and where to receive reports and interview the victims in a manner that prevents secondary victimisation;</i> <i>iv. Sensitize and prepare police officers to treat reports from women who are in a particularly vulnerable situation such as women with disabilities and women in prostitution.</i> <i>b. provide guidelines/protocols specifying how to proceed in cases of domestic violence, including cases of psychological violence and other forms of violence against women. Such protocols/guidelines should in particular address how to build a case fit for prosecution and cover, inter alia, how to</i> 	

	<p><i>comprehensively collect all relevant evidence in addition to the victim's statement or, in cases of rape, in addition to the forensic evidence lifted from the victim.</i></p> <p>Malta will ensure stronger collaboration with the Police Force in training development as well as monitoring and evaluation. This measure will also be outlined in Malta's second national strategy for 2021-2022.</p> <p>Moreover, guidelines/protocols will be designed to aid police officers in their work and to assess the various forms of violence; this measure will also be outlined in Malta's second national strategy for 2021-2022. With the launch of the new specialized unit within the Police Force for victims of gender-based violence and domestic violence, CDV will be coordinating training for this unit.</p> <p>As of 2020, FSWS and Malta Police Force held monthly meetings with local NGOs to discuss service provision and any areas of concern particularly during the COVID lockdown period (March-June 2020).</p>	
79.	<p><i>With a view to curbing the alarmingly low level of prosecutions and convictions of all forms of violence against women, GREVIO urges the Maltese authorities to provide robust training on violence against women to members of the attorney general office, the police (given their prosecutorial role) and judges, as well as guidelines or protocols. These should in particular address:</i></p> <ul style="list-style-type: none"> <i>a. domestic violence, including the concept of power and control and the need to take into account patterns of abusive behavior;</i> <i>b. the dissuasive and re-victimising effect that impunity for violence against women has on victims; and</i> <i>c. the implications of the new provision on rape based on lack of consent, including the shift of the onus on the perpetrator to ensure that all sexual acts are engaged in voluntarily. Training on how to collect evidence and assess "the surrounding circumstances, including the state of that person at the time amongst other considerations" in rape cases will enable prosecutors and judges to evaluate whether consent was present.</i> <p>Malta is committed towards implementing a training needs analysis amongst all stakeholders. Through the second national strategy for 2021-2022, training of professionals will continue to be prioritised.</p> <p>Malta Police Force</p> <p>This was implemented concurrently with the setting up of the Domestic Violence Unit of the Police Force on the 1st October 2020..</p> <p>Office of the AG</p> <p>In an ongoing process Prosecutors attend training fora including those in the area of domestic violence where Prosecutors meet, discuss and brainstorm with NGO's, front liners, as well as the police officials and hear about what they provide as a service as well as how the Prosecutors can assist and be assisted in turn to provide a holistic service to a victim starting from day 1 of the reporting of the domestic violence or</p>	

	<p>even from the mere request for help at a shelter after being abused of, during the trial in court against the perpetrators and even afterwards. All this with the sole aim of providing justice for victims.</p> <p>In fact it is deemed by the Office of the Attorney General as imperative that Prosecutors are aware of the services offered to victims, be it from the NGOs or even the Victim Support Unit within the Police Force and even assist during periodical meetings in order to continuously improve the system and facilitate it for victims to speak out, report and eventually testify against the perpetrators. Malta, being such a small country, facilitates the joining of the full circle starting from the NGOs providing shelters, Clinics providing medical assistance, Victim Support Unit providing continuous support and legal advice, the Police, the Policy Makers as well as the Prosecutors and Court Officials during such fruitful periodical meetings and training conferences.</p>	
80.	<p><i>GREVIO further urges the Maltese authorities to step up training of judges on the role of Temporary Protection Orders and protection orders in breaking the cycle of violence in cases of domestic violence, as well as on the importance and preventive role of perpetrator programmes.</i></p> <p>All the training of the judicial bench is coordinated by the Judicial Studies Committee within the remit of the Chief Justice. The Commission on GBV & DV together with the Department of Justice will support the Judicial Studies Committee in the coordination of such training.</p>	
81.	<p><i>GREVIO strongly encourages the Maltese authorities to introduce systematic and mandatory initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence, in line with the requirements of the Istanbul Convention. It strongly encourages the Maltese authorities, in particular, to ensure initial and in-service training for health professionals, that will enable them to identify all forms of violence against women, refer victims to specialist support services and bring their skills and responses – including with respect to sexual violence and FGM - up to the required standards.</i></p> <p>Whereas Malta is of the opinion that mandatory training is not the best way forward for relevant professionals at this point in time, it will continue to strengthen collaboration and ensure a consistent momentum in training development and delivery. Through its second national strategy for 2021-2022, Malta will continue to commit towards the promotion of training for all relevant professionals.</p> <p>Moreover, the implementation of this recommendation within the various government entities is addressed as follows:</p> <p>Ministry for Health</p> <p>In-service training is already being provided to all frontline healthcare professionals.</p> <p>MfH will liaise with local medical and nursing schools, Primary Healthcare and hospitals to discuss the possibility of further increasing the amount of training</p>	

offered to students and staff to improve their knowledge and skills to identify all forms of violence against women and refer victims to specialist support services.

Malta Police Force

Implimentation of this recommendation is already in place through the Police Victim Support Unit.

Agenzija Appoġġ

In-service training is provided at the beginning of the professionals' employment through observation, knowledge-sharing, specific training on GBV & DV, and the service's procedures. This is mandatory for all new professionals joining the Domestic Violence Services.

All DV workers working within Agenzija Appoġġ receive regular supervision both on an individual and group level.

Specialized training is offered on a yearly basis as well.

Department of Probation & Parole

The Department of Probation and Parole works with perpetrators, who are assessed and referred to other relevant professionals, according to their needs. An example of such referral is for the services of a psychologist. Training for Probation Officers is also ongoing.

Legal Aid Agency

Legal Aid Malta cannot but support the continued training and sensitisation of legal professionals to such specialised areas of VAW and DV. The Agency makes it a point to systematically encourage its lawyers to attend training sessions and seminars on the said subject matters.

Ministry for Education and Employment

The National School Support Service is committed to provide in-service training on GBV to newly recruited support service practitioners within their first year of employment through trainers who attended the 'Full Cooperation: Zero Violence' Train the Trainer course.

Higher Educational Institutions like the University of Malta and MCAST provide a number of programmes of study/study units and courses addressing gender, gender equality, and gender-based violence.

Ministry for Home Affairs, National Security and Law Enforcement

	<p>The above recommendation is already being implemented by the Agency for the Welfare of Asylum Seekers. Such training will become mandatory by October 2020 for all new AWAS employees and will be part of the established AWAS introductory Programme.</p> <p>Secretariat for Catholic Education</p> <p>SFCE social workers' team has recently been certified by the Safeguarding Commission within the Archdiocese of Malta as official trainers on safeguarding children. This mandatory training for all employees in church schools and SFCE, includes identification of different forms of violence, reporting procedures of suspected cases and /or disclosures to the school designated Safeguarding Officer and the role of the educator /person making the report in the follow-up care plan. Such training needs to be refreshed every three years. Following the recommendations made by GREVIO, gender-based violence including FGM and child brides will be given more weight in the different forms of violence.</p> <p>SFCE is considering partnerships with experts (Faculty of Social Well Being at the University of Malta and NGOs for upskilling the psychosocial professionals, guidance teachers and PSCD teachers. Though the professionals mentioned have already received intensive training in the past five years on Domestic Violence, we value the continuous professional development.</p>	
82	<p><i>GREVIO strongly encourages the Maltese authorities to introduce in education establishments dedicated guidelines/protocols that lay out the preventative action to be undertaken where indications of violence against women exist or there is a risk thereof, including, in cases of forced marriage and FGM. In this connection, dedicated training to teachers on all the forms of violence against women should be envisaged and strengthened.</i></p> <p>The Maltese Government will ensure that this recommendation is addressed in its second national action plan on GBV & DV (2021-2022).</p> <p>Moreover, the implementation of this recommendation within MEDE and SfCE is addressed as follows:</p> <p>Ministry for Education and Employment</p> <p>MEDE is currently reviewing an MOU with CP following the enactment of the Minor Protection (Alternative care) Act which includes the guidelines to follow when allegations of abuse are made in schools. Forced marriage and FGM fall under the legal definition of child abuse. Furthermore, as state schools, services are offered only to children. In the coming five years the NSSS commits itself to organise an information seminar regarding the practices of forced marriage and FGM for NSSS staff and SLT in collaboration with the Migrants Learners Unit within DLAP. It also commits itself to initiate discussions with relevant parties to formulate a prevention strategy by the end of 2025.</p> <p>Secretariat for Catholic Education</p>	

	<p>SFCE collaborates with the Safeguarding Commission, Church Schools Association, Child Protection Services, NSSS Safe Programmes Teams and CAPES has issued the document “Safeguarding Children Guidelines and Procedures” which is accessible to all educators. This document serves as a reference in situations where indications of any form of violence are evident. Notwithstanding FGM and child marriage are not specifically mentioned, both forms of violence are illegal and hence they are considered as abuse. This will be explicitly explained during the mandatory training for educators.</p> <p>SFCE is committed to draft a policy on harassment for employees, which will serve as guidance for schools to develop their own school-based policy on adults’ harassment.</p>	
D.	Preventive intervention and treatment programmes (Article 16)	
1.	<i>Programmes for perpetrators of domestic violence</i>	
87.	<p><i>GREVIO strongly encourages Malta to introduce perpetrator programmes in custodial settings. It further strongly encourages the Maltese authorities to use all available means to ensure that perpetrator programmes are widely attended, including by incorporating them into the criminal justice system as a tool to reduce recidivism and to ensure attendance also by convicted perpetrators in prison. The authorities are also encouraged to increase the human resources within the DAIP programme and initiate scientific outcome studies (evaluation) of the programmes to assess, among other aspects, the risk of re-offending, in order to ensure higher levels of safety and protection for victims.</i></p> <p>Malta is committed towards implementing this recommendation. In fact, the Care and Reintegration Unit within CSA has strengthened its human resources and all new inmates are being assessed upon induction. A care plan is subsequently drafted for each and every inmate.</p> <p>A tailor-made programme of interventions, as part of the care plan, is devised for the respective inmate. The care plan, therefore, might include an anger management programme or more specific domestic violence interventions. Each care plan is discussed with the respective inmate, who is encouraged to follow the care plan. Adherence or otherwise affects their sentence plan.</p> <p>More recently, assessments for domestic violence (SARA and DASH) have been introduced under the supervision of a Principal Psychologist. Such assessments and the subsequent interventions will be evaluated.</p>	
E.	<i>Participation of the private sector and the media (Article 17)</i>	
92.	<p><i>With a view to the important role of the media and the private sector in shaping and changing attitudes to the status and role of women in society and the level of acceptance of violence against women, GREVIO encourages the Maltese authorities to promote the development and monitoring of self-regulatory standards, and training thereof, in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence they have</i></p>	

	<p><i>suffered.</i></p> <p>Malta already implements this recommendation through guidelines it has issued to all media houses when reporting on GBV & DV cases. Moreover, Malta aims at strengthening collaboration with the media and private sectors through regular meetings and seminars to address this recommendation.</p>	
IV.	Protection and support	
A.	General obligations (Article 18)	
98.	<p><i>GREVIO strongly encourages the Maltese authorities to set up institutionalised structures for co-ordination and co-operation among all of the different governmental and non-governmental agencies and service providers to ensure multi-agency co-operation based on a gendered understanding of violence against women and domestic violence and focusing on the human rights and safety of victims, as well as on their empowerment and economic independence. Such structures for co-ordination and co-operation should address all forms of violence against women, beyond domestic violence. This should include guidelines and co-operation procedures/protocols for authorities dealing with violence against women, as well as a system for sharing expertise and experience in handling such cases, such as the MARAM. GREVIO strongly encourages the inclusion of specialist women’s support services run by NGOs in any formal and informal co-operation structures. Finally, GREVIO encourages the Maltese authorities to ensure that protection and support services are made available as much as possible on the same premises.</i></p> <p>Malta will continue to ensure adequate coordination amongst the various ministries, entities and NGOs in service provision, protection of victims and management of high-risk cases. Coordination is done through the inter-ministerial committee for the implementation of the national action plan on GBV and DV. This is an ongoing policy measure which will be addressed in the second national strategy for 2021-2022.</p> <p>Following the implementation of the DASH risk assessment tool (and also as stipulated by the GBV & DV Act, Chapter 581, Laws of Malta). Malta is committed to implement MARAM by the national agencies working in this field. A memorandum of understanding will be set up between these entities/agencies to ensure that proper guidelines and protocols are in place.</p> <p>Moreover, in September 2020, Legal Aid Malta Agency, Aġenzija Appoġġ and the Malta Police Victim Support Unit will be signing a Memorandum of Understanding on domestic violence and victims of violence to strengthen inter-agency co-operation. Standard operating procedures have been drawn up and will be implemented accordingly.</p> <p>MfH is also implementing a joint standard operating procedure with Aġenzija Appoġġ which describes the reporting and referral pathway to specialist support services.</p>	

<p>B.</p> <p>101.</p>	<p>Information (Article 19)</p> <p><i>GREVIO encourages the Maltese authorities to ensure that victims receive adequate and timely information on available support services and legal measures for all forms of violence against women, in a language they understand.</i></p> <p>Malta already implements this recommendation by liaising with the various stakeholders including NGOs in the distribution of various information leaflets and business cards (with contact details of the service providers).</p> <p>MfH already provides suspected victims with all the information they need in the form of verbal communication, information posters and leaflets on specialised support services (Police, Appogg, NGOs) on display stands and notice boards in clinic waiting areas. Efforts will be made to ensure the leaflets are circulated wider and translated into more languages.</p> <p>Malta will continue to address Article 19 through the implementation of the recommendations outlined in the EU Strategy on Victims' Rights Strategy 2020-2025.</p> <p>The Victims of Crime Act namely Chapter 539 of the Laws of Malta provides for the rights, support and protection of victims throughout the whole legal <i>iter</i> of the criminal proceedings including the right to translations as well as legal assistance. This Act provides for the right to understand and be understood in the context of criminal proceedings and communications shall take into account the personal characteristics of the victim, including any disability which may affect the ability to understand and be understood. There is also the right to receive information from a competent authority, which provides an extensive list of information.</p> <p>The right of the victim when a complaint is made and also the right to receive information on the case:</p> <p>Article 4 of the Act provides a list of information which should be made available to victims of crime from their first contact with a competent authority in order to ensure that they are able to access the rights set out in Directive 2012/29/EU. Article 7 of the said Act provides for the right to interpretation and translation free of charge, the right to free legal aid, as well as the assessment and assistance to victims of crime by the authorities to provide for inter alia victims of gender-based violence and victims of sexual violence. The minimum threshold of support is even tackled in Article 12(b) which states information, advice and support relevant to the rights of the victims, information about and direct referral to any relevant specialist, emotional, psychological support, advice relating to financial and practical issues resulting from crime, advice relating to the risk and prevention of re-victimisation, medical treatment for as long as is necessary as well as protection measures especially when there is a risk of intimidation and retaliation and the need to protect the dignity and physical integrity, including during questioning and when testifying. Article 13 of the same Act delves into the Victim Support Services.</p> <p>Moreover, article 74A of the Police Act, Chapter 164 of the laws of Malta, provides that any victim who makes contact with the Executive Police shall be promptly</p>	
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	provided with a Letter of Victims' Rights which shall be available in a language that the person understands.	
C. 1. 104.	<p>General support services</p> <p>Social services</p> <p><i>GREVIO strongly encourages the Maltese authorities to set up dedicated programmes that cater to the specific needs of victims of violence against women in the area of financial assistance, training, employment and housing, thus ensuring their recovery, as well as their economic independence and empowerment, in particular by pursuing their efforts to strengthen housing and training schemes for women victims of violence as set out in the Strategy and action plan.</i></p> <p>Through the Ministry for Education and Employment, Malta is committed towards reaching out to victims of violence against women and domestic violence. Jobsplus, which is Malta's public employment service, provides various services to enhance victims' employment prospects. For example, social workers can refer victims to the Inclusive Employment Services within Jobsplus. Once these individuals are referred to Jobsplus, they are assigned to an employment advisor with the Inclusive Employment Services and together they draw up a Personal Action Plan according to their specific needs. These clients are also eligible to all services and schemes both for the vulnerable and mainstream clients.</p> <p>Furthermore, Jobsplus has implemented the VASTE programme to assist disabled persons and vulnerable inactive individuals to find and retain suitable employment. The programme provides a holistic assessment to participants by means of various training options and professional support which might lead to several employment opportunities. Through the VASTE Programme individuals can benefit from counselling, social work and psychological assistance, specific training for employment, motivational interviewing and mentoring services amongst others.</p> <p>Victims of domestic violence can also benefit from the Bridging the Gap Scheme and the Access to Employment (A2E) scheme. The Bridging the Gap Scheme is designed to support the client in the transition period from unemployment to employment. It allows the employer to evaluate the performance of the client in the workplace, prior to proper engagement. The employer and Jobsplus enter into an agreement regarding the work exposure period, whereby the client is placed on the scheme with the prospect of employment. The A2E Scheme provides employment aid to enterprises in Malta and Gozo to promote the recruitment of the more challenged amongst jobseekers and inactive persons. Through this scheme, the integration into the labour market is facilitated by enhancing opportunities to access the labour market and providing work experience to those furthest away from gainful employment; bridging the gap between labour market supply and demand and; increasing social cohesion.</p> <p>All individuals of working-age irrespective of their background are provided with the opportunity to participate in the various training courses offered by Jobsplus' training centre. Jobsplus offers courses, free of charge, aimed at helping individuals to acquire transversal or specific skills which are labour market related. There are different</p>	

	<p>courses available, varying from short courses to vocational courses which are pegged to the Maltese and European Qualification Frameworks (a full list of the courses available can be accessed through this link: https://jobsplus.gov.mt/courses/all-course-list).</p> <p>Moreover, Jobsplus offers the opportunity to jobseekers to participate in the Traineeship Scheme. The Scheme is intended to provide jobseekers with initial vocational training (pre-employment training) that will help individuals obtain the knowledge, skills and competence required to find and retain employment. Traineeships are based on a combination of on-the-job and off-the-job training. The programmes offered are labour market driven, whereby the job preferences of the jobseekers are matched with the requests made by employers participating in the scheme.</p> <p>Through the Housing Authority, Government has recognised that good housing may facilitate community cohesion and interaction. In 2019, Government took a progressive and innovative approach in developing a national housing framework through various budget measures. These are in line with the EU2020 Agenda and SDG 11 OF 2030 Agenda for Sustainable Development. Thus, one of the aims is to broaden the meaning of social housing in order to capture changing domestic realities. Therefore, government has committed itself to diversifying the housing market through a combination of short- medium- and long-term goals.</p> <p>The design of the Specialised Housing Programmes (SHPs), is a budget measure that specifically creates housing and integrated service provision that offer solutions based on the needs of primarily vulnerable people. The focus on the relationship between vulnerabilities, housing, well-being and socio-economic status. This approach is based on preventive measures which recognise social exclusion indicators from the start: for example, those who are likely to suffer from social exclusion more than any other sub group are people who might be experiencing: domestic violence, low income, school problems, mental health difficulties.</p> <p>These SHPs are managed by a Board within the Housing Authority which comprises a multi-disciplinary team of practitioners. Its purpose is to assist the SHPs proposed by the organisations operating within the non-profit sector. The Budget measure is a direct reaction to the rapid change in the Maltese household and family and the family formations. Through its integrated approach these programmes seek to be preventive through their services by pre-empting vulnerable groups into entering institutional poverty and homelessness. The social factor is to be included in the service provision where applicants can take various approaches in order to offer a sustainable service based on: employing a diverse workforce, collaboration with other entities and other approaches to encourage wellbeing such as co-living spaces. Moreover, the economic dimension can take an inclusive approach by creating jobs, offering skills, training and recruitment and other opportunities for Small and Medium enterprises</p>	
2. 106.	<p>Health care</p> <p><i>GREVIO encourages the Maltese authorities to introduce adequate protocols and standards that address all forms of violence against women. GREVIO, in particular,</i></p>	

	<p><i>strongly encourages the Maltese authorities to develop and implement protocols that may be followed in situations where FGM or the risk thereof is identified, both for the victim and any young/child female family member of the victim that may be at risk of FGM.</i></p> <p>Following Malta’s participation in the European Institute for Gender Equality’s research on FGM, Malta will continue to address FGM through effective policies and protocols with healthcare providers, educators and psychosocial professionals and legal professionals.</p> <p>Moreover, training has already been provided to almost 200 professionals including: health professionals, law enforcement officers, lawyers, teachers, NGOs, migrants, cultural mediators and stakeholders working with migrants and social workers from Appogg through the PROTECT project.</p> <p>MfH will liaise with the hospital’s Gynaecology department and Primary Healthcare’s migrant services unit to set up protocols to follow in situations where FGM or the risk thereof is identified.</p> <p>In recent years, no instance of fresh FGM has been noted by any healthcare professional locally.</p>	
<p>D.</p> <p>114.</p>	<p><i>Specialist support services (Article 22)</i></p> <p><i>GREVIO strongly encourages the Maltese authorities to ensure immediate short and long term specialised support services to victims of all forms of violence against women, beyond domestic violence. Prompt provision of psychological and legal counselling should be particularly stepped up, with systematic referrals, where necessary, to specialised women’s organisations with in-depth knowledge of gender-based violence. GREVIO also strongly encourages the Maltese authorities to ensure that Agenzija Appogg is given sufficient resources to respond promptly to victim’s requests in a way that minimises revictimisation, including by looking into ways to ensure that support services are located on the same premises. Attention should furthermore be given to strengthening interpretation services and providing appropriate support services in Gozo.</i></p> <p>This recommendation is already being implemented through the Foundation for Social Welfare Services and the Legal Aid Malta.</p> <p>The Domestic Violence Unit already provides immediate short and long term specialized support services to victims.</p> <p>Immediate legal counselling is being provided by the Legal Aid Malta, whilst victims requiring psychological support are referred to the Sedqa Psychological Services. In April 2020, Legal Aid Malta extended provision of its legal services to women experiencing violence and domestic violence whereby three lawyers were appointed by the Minister of Justice.</p> <p>Independent interpretation services are sourced by the Domestic Violence Unit</p>	

	<p>when these are required to better assist the victim. These services are provided at the place most convenient for the service users.</p>	
<p>E.</p> <p>118.</p>	<p>Shelters (Article 23)</p> <p><i>GREVIO strongly encourages the Maltese authorities to ensure that the number and capacity of specialised women’s shelters meets the growing demand, including in Gozo, without recurring to general shelters such as those for the homeless that do not provide the necessary support or services to victims of domestic violence. It further strongly encourages the Maltese authorities to ensure that shelters are sufficiently equipped to welcome women with different needs such as women with disabilities and that solutions are found also for women with problems of substance abuse. Finally, GREVIO strongly encourages the Maltese authorities to ensure access to domestic violence shelters irrespective of women victims’ residence status and without conditions that may be prohibitive.</i></p> <p>Malta’s national psycho-social support agency (Agenzija Appoġġ) runs Għabex Emergency Shelter and accepts all women victims irrespective of the residence status. FSWS is currently exploring further developments in terms of shelter capacity through the services it provides. However, during COVID-19, which was an international medical emergency, our DV shelter had enough beds to cater for the demand.</p> <p>Għabex Emergency Shelter is accessible to women with different abilities and is planning to make internal structural changes to make it more accessible.</p> <p>In response to the point to have solutions for women with problems of substance abuse, DVU works closely with specialist services in addictions, including rehabilitation programmes, in order to provide female victims of DV who are in contact with addiction services with the necessary support services. In the current setup of DV shelters, women with substance abuse issues cannot be accommodated in order to protect other victims and their children at the shelter. On the other hand, the numbers of DV victims with substance abuse issues is relatively low which does not justify opening a specific shelter that caters for such women. Ideally the victim is supported through residential substance abuse programmes and also supported by DVU on the domestic violence as is the practice at this time.</p>	
<p>E.</p> <p>121.</p>	<p>Telephone helplines (Article 24)</p> <p><i>GREVIO strongly encourages the Maltese authorities to set up a state-wide, round the clock helpline dedicated to all forms of violence against women capable of providing counselling to victims, with due respect for the confidentiality and anonymity of all callers and operated by trained staff.</i></p> <p>This recommendation is being implemented through the national helpline run by the Foundation for Social Welfare Services.</p>	

	<p>The Supportline 179 is a nation-wide helpline which caters for domestic violence victims and violence against women, amongst other issues, and the operators are trained on violence against women and domestic violence issues. 179 caters also for general support and reporting of abuse.</p>	
<p>G. 130.</p>	<p>Support services for victims of sexual violence (Article 25)</p> <p><i>GREVIO urges the Maltese authorities to:</i></p> <ul style="list-style-type: none"> <i>a. ensure the availability of dedicated rape crisis and/or sexual violence referral centres in Malta and Gozo equipped with trained specialised staff, providing a response to sexual violence and rape with a victim-centred approach, on a one-stop-shop basis.</i> <i>b. ensure the prompt and efficient coordination between health professionals and other stakeholders involved in the area of sexual violence and rape, including to ensure prompt referrals.</i> <i>c. take additional measures to guarantee all victims of sexual violence access to the above services, as well as longer-term psychological support, ensuring that the reproductive choices of women victims of rape do not constitute a barrier to their access.</i> <p>Malta implements this recommendation through the Care for Victims of Sexual Assault service. This service specifically caters for such situations mentioned in this point.</p> <ul style="list-style-type: none"> a. The Care for Victims of Sexual Assault service works through the coordination between health professionals, Agenzija Appoġġ and other stakeholders involved in the area of sexual violence and rape, namely the NGO Victim Support Malta. b. The Care for Victims of Sexual Assault service provides longer-term psychological support through Victim Support Malta and Sedqa Psychological Services. The reproductive choices of female victims of rape are not constituted as a barrier to access any of the above-mentioned services. <p>Ministry for Health</p> <ul style="list-style-type: none"> a. A one stop shop service is currently provided from within Mater Dei Hospital where the forensic medical examination takes place. Psychosocial support services are provided on site on a roster basis. Plans are underway to make this service more patient oriented and find a more suitable location where this can take place. b. A protocol for management of cases of sexual assault is available including the responsibilities for referral for each of the medical professionals in the team. c. Plans are underway to improve the pathways for access to sexual assault services, commission training for members of the SART team, issue expression of interest for dedicated medical/ nursing staff on a roster basis. Long term care is already provided by an NGO specialised in this field. 	

131.	<p><i>GREVIO also strongly encourages the Maltese authorities to ensure that forensic examinations are carried out in line with internationally recognised standards⁴⁶ and that samples are stored with the consent of the victims, regardless of whether the matter has been reported to the police. GREVIO further strongly encourages the Maltese authorities to ensure that protocols/guidelines and training are made available on the management of cases of sexual violence and rape in other clinics and hospitals and that support is made available to victims of sexual violence who are above 16 and under 18.</i></p> <p>Malta acknowledges this recommendation and will study and analyse how this can be implemented to ensure that forensic examinations are carried out and samples are stored accordingly.</p> <p>As outlined in Recommendations 81, 106, 130 Malta will ensure that protocols/guidelines and training of professionals will be included in the second national action plan (2021-2022).</p>	
H.	<p>Protection and support for child witnesses (Article 26)</p> <p>137. <i>GREVIO strongly encourages the Maltese authorities to introduce dedicated services for children who are victims or witnesses of all forms of violence against women, such as age-appropriate psychosocial counselling and experts trained in interviewing children, providing due regard to the best interests of the child.</i></p> <p>Malta implements this recommendation through the Foundation for Social Welfare Services. This service is delivered by specialised and training professionals working with children witnessing violence and victims of violence. FSWS also employs psychologists, psychotherapists and family therapists whose role is to assist in such situations.</p> <p>The Ministry for Education, namely the NSSS and the Child Protection Unit within FSWS have a memorandum of understanding with clear guidelines to follow when NSSS receives information about sufficient concerns related to students' exposure to DV.</p> <p>From a legal perspective, the Victims of Crime Act provides for the appointment of a support person during court proceedings. In this regard article 14A provides that when a victim of crime is a minor (the definition of the term 'victim' also includes minors who are witnesses of violence) the Court shall, upon a request by the prosecution or by any person, appoint a support person. If this request is not made the Court may also appoint a support person <i>ex officio</i>. The main function of support persons is to assist the minor throughout the entire court proceedings, as well as for a suitable period of time following the conclusion of the court proceedings. Article 14 also provides a non-exhaustive list of functions which support persons shall have.</p>	
I.	<p>Reporting of Professionals (Article 28)</p> <p>141.</p>	

	<p><i>Recalling the principle of women’s empowerment mainstreamed throughout the convention, GREVIO strongly encourages the Maltese authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Maltese authorities to review the obligation for professionals to report cases of violence against women and their children, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself due to disabilities.</i></p> <p>Government notes that Article 28 of the Convention states as follows: -</p> <p>“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.”</p> <p>In line with the above, Government insists that professionals are to report cases of domestic violence and gender-based violence, in line with confidentiality rules. It is felt that the current law provides more legal certainty than one which would place an increased discretionary burden on professionals.</p> <p>Moreover, MfH does not plan to amend this law so that the reporting of suspected violence remains mandatory. This will ensure that suspected victims may be protected adequately by prosecuting the alleged perpetrators. Note is however taken of the recommendation which will be further examined.</p>	
V.	Substantive law	
A. 1. 146.	<p>Civil law</p> <p><i>Civil remedies against the state – ensuring due diligence (Article 29)</i></p> <p><i>GREVIO strongly encourages the authorities to include elements regarding the civil responsibility of public officials in information provided to victims in pursuance of Article 19 of the Istanbul convention and monitor progress in this area by keeping data on numbers of civil claims and their outcomes. GREVIO, furthermore, encourages the Maltese authorities to make available at police stations across the country written information on redress mechanisms against the police for any negligent or intentional violation of their public duties and for failure to prevent and investigate acts of violence. GREVIO further encourages the Maltese authorities to collect data on whether victims of all forms of violence use the remedies available to address authorities’ failure to diligently prevent, investigate and punish acts of violence covered by the scope of the Istanbul Convention.</i></p>	

	<p>Malta takes note of this recommendation and will strengthen the availability of information in all Police Stations. Moreover, the Malta Police Force has just introduced a special unit on domestic violence to cater for victims' needs.</p> <p>Article 4 of the Victims of Crime Act mandates that victims should be given information upon their first contact with a competent authority in order to ensure that they are able to access their rights. The minimum threshold of support includes information, advice and support relevant to the rights of the victims, information about and direct referral to any relevant specialist, emotional, psychological support, advice relating to financial and practical issues resulting from crime, advice relating to the risk and prevention of re-victimisation, medical treatment for as long as is necessary as well as protection measures especially when there is a risk of intimidation and retaliation and the need to protect the dignity and physical integrity, including during questioning and when testifying. Article 13 of the same Act delves into the Victim support services.</p> <p>Moreover, article 74A of the Police Act, Chapter 164 of the laws of Malta, provides that any victim who makes contact with the Executive Police shall be promptly provided with a Letter of Victims' Rights which shall be available in a language that the person understands.</p>	
2.	<p>Compensation (Article 30)</p> <p>149. <i>GREVIO invites the Maltese authorities to collect data on the number of cases in which women victims of violence have claimed and have obtained compensation either by the perpetrator or the state for offences covered by the Istanbul Convention.</i></p> <p>Malta commits to collect data in relation to compensation to victims of crime according to Maltese legislation by the Department of Justice.</p>	
150.	<p><i>GREVIO notes that under Article 79, paragraph 3 of the Istanbul Convention, the Maltese authorities will be required to provide GREVIO with an explanation of the grounds for the reservation entered in relation to state compensation (Article 30, paragraph 2) upon expiry of its period of validity and prior to its renewal.</i></p> <p>The Maltese Government has no objection to providing GREVIO with an explanation with regard to this reservation upon its expiry or prior to its renewal, should Malta choose to renew it.</p>	
3.	<p>Custody and visitation rights (Article 31)</p> <p>159. <i>GREVIO urges the Maltese authorities to take a number of priority actions in the area of custody and visitation rights to ensure the safety of victims and her children and to break the cycle of power and abuse exercised by the perpetrator, notably to:</i></p>	

- a. *explicitly provide in the law that incidents of domestic violence shall be considered as a cause for forfeiture of visitation rights of the perpetrator;*
- b. *take measures to ensure that the exemption from mediation in proceedings dealing with separation, custody and visitation rights in cases of violence, including domestic violence, is implemented in practice and that hearings for interim injunctions/protection orders are heard swiftly;*
- c. *ensure that mediators receive robust training on violence against women and issue guidelines on their obligations with respect to cases of domestic violence;*
- d. *ensure an adequate number of judges in family courts that are trained in the area of domestic violence and provide them with guidelines shedding light on the level of violence required and/or what tests should be applied by judges in reaching a decision on custody and visitation rights;*
- e. *ensure that family courts take into account any episodes of violence, including, by consulting with all relevant professionals.*
- f. *ensure that the number of professionals employed by the Court Services of the Agenzija Appogg to issue recommendations in the course of separation proceedings, including where there is suspicion of domestic violence, as well as the Children's Advocates, are sufficient in numbers as well as trained on domestic violence;*
- g. *ensure a sufficient number of professionals trained on violence against women to accompany the supervised access visits; and to*
- h. *ensure that both in the context of supervised visitation, as well as during meetings with the Child Advocate, the mother of the child does not have to meet face-to-face with the perpetrator.*

Malta takes note of recommendation 160 and its ancillary measures and will study these in terms of its long-term ongoing commitment to improve the professionalism of the services offered to women victims of violence. In particular, however, Malta highlights the following:

Recommendation (a) is covered by means of Articles 47, 56A and 57 of the Civil Code:

(i) Article 47 provides that if there is evidence of domestic violence, the Court may limit or deny access to the children if this would put the children **or the other parent at risk**;

(ii) Article 56A provides that, when there is evidence of domestic violence, the court may on demand of one of the parties **or of its own motion** declare that the other party is not fit to have custody. In these cases, the court may also declare that, if the party who is given custody is deceased, the party who has been so excluded, shall not be entitled to assume the custody of the minor without the authorisation of the Court.

(iii) Article 57 provides that the right of the parents to watch over the maintenance and education of their children may be suspended if this right might put either the children or the other parent at a risk of harm. Moreover, this article provides that

	<p>visitation rights may be withdrawn by the Court if the parent who is granted such right fails to exercise it without a reasonable cause. Finally, this article provides that the court may entirely forbid access if this may be detrimental to the welfare of such minors or to the welfare of anyone of the parents.</p> <p>Recommendation (f) - The professionals within the Court Services of Agenzija Appoġġ liaise with the DVU when there is suspicion of DV in separation cases. Training on domestic violence is given to all professionals within the Court and SAV Service.</p> <p>Recommendation (g) - Professionals working at FSWS are given ongoing training on VAW.</p>	
<p>B.</p> <p>1.</p> <p>165.</p>	<p>Criminal law</p> <p><i>Domestic violence, including psychological violence (Article 33)</i></p> <p><i>GREVIO strongly encourages the Maltese authorities to ensure, either through legislative amendments or through guidelines issued to the police or the judiciary, that the offence of private violence can be applied in practice . This would require that:</i></p> <ul style="list-style-type: none"> <i>a. the constitutive elements of psychological violence are defined;</i> <i>b. and that the required threshold, notably whether an abusive pattern of behaviour is needed, is clarified, in line with the Istanbul Convention.</i> <p>The Maltese Government contends that there is no need for legal amendment to the crime of private violence as per article 251 of the Criminal Code (Chapter 9 of the Laws of Malta) for the following reasons:</p> <ul style="list-style-type: none"> a. Private violence is defined as “[...] including moral and, or, psychological violence [...]” and therefore clearly spells out that the illegal conduct can be one which causes psychological harm. b. As the law stands, the requirement of an abusive pattern is not necessary. Government emphasises that this goes beyond the requirements of the Convention and benefits the victim, who can report that illegal conduct upon its first time of occurrence. c. Government is of the opinion that there can be no exhaustive definition of psychological violence, and therefore, such definition would run the risk of prejudicing victims. 	
<p>2.</p> <p>168.</p>	<p>Stalking (Article 34)</p> <p><i>GREVIO encourages the Maltese authorities to conduct specialised training on the gendered and serious nature of stalking and to ensure the application of preventive operational measures to avoid re-offending. It further encourages the authorities to improve the collection of data on stalking, particularly on the number of cases that proceed to trial and final convictions.</i></p>	

	<p>The Convention refers to stalking as “[...] the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety [...].”</p> <p>Government contends that this is adequately reflected in article 251AA of the Criminal Code (Chapter 9 of the Laws of Malta), since the crime requires the element of (a) harassment and (b) a repeated conduct that causes the other person to fear for his safety. Government also submits that the crime of stalking, in itself, amounts to harassment, and therefore, the current provisions are no impediment to successful prosecution.</p> <p>Maltese law on stalking provides an indicative, not an exhaustive, list, which list is not automatically criminally sanctionable without the role of harassment since merely phoning a person or walking behind a person, for instance, is not in itself criminally sanctionable. Unless there is the element of the person being called or followed as not welcoming such calls or being followed, and hence the harassment, such acts cannot be criminally sanctionable. For these reasons and in such a spirit the Maltese legislator has included the element of harassment while providing guidance in order to assist authorities with prosecutions and convictions.</p>	
<p>3.</p> <p>172.</p>	<p>Sexual violence and rape (Article 36)</p> <p><i>While welcoming the alignment of Malta’s rape provision with the Istanbul Convention, GREVIO strongly encourages the Maltese authorities to monitor its implementation in practice, in particular by collecting statistics on the number of reports lodged, investigations opened, prosecutions and final convictions in respect of rape and other sexual offences with the aim to identify and address possible shortcomings in implementation.</i></p> <p>Malta will study ways in which this data can be collected from the Police and Court Services Agency, together with the other data outlined in previous recommendations.</p>	
<p>4.</p> <p>176.</p>	<p>Forced marriage (Article 37)</p> <p><i>GREVIO strongly encourages the Maltese authorities to take appropriate measures, including issuing protocols and training to the police, prosecutors, judges and other relevant professionals to ensure that both traditional forced marriages of children and adults and the conduct of luring fall within the scope of Articles 251G and 251 GA and do not remain unpunished.</i></p> <p>As outlined in Recommendation 78, Malta will address a number of protocols and guidelines through the second national strategy for 2021-2022. Malta also recognizes the need for multi-agency collaboration in implementing such protocols as well as effective coordination of training amongst the various professionals. This coordination is carried about through the Inter-ministerial Committee for the</p>	

	implementation of the national action plan on GBV and DV.	
5.	Female genital mutilation (Article 38)	
181.	<i>GREVIO strongly encourages the Maltese authorities to raise awareness and provide training and guidelines to all professionals who may be in contact with women and girls at risk of FGM.</i>	
	As outlined in proposals 78 and 177, this measure will continue to be addressed in Malta's second national strategy for 2021-2022.	
7.	Sexual harassment (Article 40)	
185.	<i>GREVIO strongly encourages the Maltese authorities to take appropriate measures to investigate, prosecute and punish acts of sexual harassment and ensure the collection of data in proposals made in this report under Article 11.</i>	
	Malta commits to study the possibility of collecting data regarding the investigation, prosecution and punishment of acts of sexual harassment.	
9.	Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)	
189.	<i>GREVIO encourages the Maltese authorities to look into ways to address and eliminate practices that result in the discontinuation of prosecution/criminal proceedings against the perpetrator. More specifically, trainings and protocols for lawyers should address the existing practice to negotiate a "deal" between the parties so that the victim does not testify in criminal proceedings, in exchange for a favourable civil settlement (where there are concurrent civil/family proceedings). In particular, such training and protocols should address the likeliness for such practice to interfere and prevent the dissuasive effect of criminal punishment, leading ultimately to repeated violence and impunity of perpetrators.</i>	
	Malta needs to analyse the impact that such a recommendation will have on the overall legislative structure and commits to discuss this proposal with key stakeholders. The actual frequency of such incidents and the impact the suggested recommendation might have on legal procedure in general, will be taken in consideration when drafting Malta's position in respect of Recommendation 190.	
IV.	Investigation, prosecution, procedural law and protective measures	
A.	Immediate response, prevention and protection (Article 50)	
1.	<i>Reporting to and investigations by law enforcement agencies</i>	
200.	<i>GREVIO urges the Maltese authorities to equip the police with the knowledge and powers to respond promptly and appropriately to all forms of violence against women covered by the Istanbul Convention. In particular, the Maltese authorities should:</i>	

	<ul style="list-style-type: none"> <i>a. pursue plans to set up the specialised unit on domestic violence, extending its remit where possible to other forms of violence against women such as FGM and forced marriage;</i> <i>b. remind police officers of their due diligence obligation to immediately respond to, prevent and protect women from all forms of violence covered by the Istanbul Convention and apply the related sanctions for failure to do so.</i> <i>c. secure innovative ways to eliminate the substantial barriers to reporting encountered in Gozo; and to</i> <i>d. take measures to ensure that the prosecutorial competence of the police does not represent in practice a barrier to reporting for victims.</i> <p>A specialised unit on domestic violence within the Malta Policy Force was established on the 1 October 2020 and the above recommendation will continue to be taken on board in that context.</p>	
201.	<p><i>Moreover, GREVIO urges the Maltese authorities to take robust measures aimed at removing the obstacles to the effective implementation of criminal provisions on rape and other sexual offences, notably by ensuring that forensic medical evidence may be lifted from victims should they so wish, whenever they seek medical assistance, regardless of whether they have filed a report to the police.</i></p> <p>Malta plans to make reporting alleged cases of rape and sexual violence mandatory, which would ensure that evidence is always lifted from victims.</p>	
2. 207.	<p>The role of the prosecution services and conviction rates</p> <p><i>GREVIO strongly encourages the Maltese authorities to step up efforts to end impunity for acts of violence against women, in particular domestic violence. To this extent, Maltese authorities should explore mechanisms and procedures, including through legal amendments, that will remove the centrality of the victim’s statement in criminal proceedings in intimate partner violence and sexual violence. GREVIO strongly encourages the Maltese authorities to swiftly identify and address any/all legislative and procedural factors that contribute to the low levels of conviction in relation to all forms of violence against women.</i></p> <p>It is important to highlight that the offence of domestic violence is an offence subject to mandatory (<i>ex officio</i>) prosecution, and therefore, the victim’s testimony is not relevant to the continuation of procedures. Moreover, Malta’s Criminal Code also provides for instances where victims may choose not to testify against the accused. However it is of importance to note that the victim being a relative or an ex-spouse or ex-cohabitant or ex-boyfriend specifically brings about an increase by one or 2 degrees of the punishment (number of years of imprisonment) for the perpetrator with regards to bodily harm.</p> <p>Ultimately it is a Criminal Law principle that the deciding Magistrate has to be convinced beyond reasonable doubt that the crime occurred and it is on this basis that cases are decided.</p>	

<p>B.</p> <p>214.</p>	<p>Risk assessment and risk management (Article 51)</p> <p><i>GREVIO strongly encourages the Maltese authorities to improve their practices of risk assessment and risk management for all forms of violence against women, including domestic violence, by:</i></p> <ul style="list-style-type: none"> <i>a. ensuring that in cases of domestic violence, an assessment of the victim’s risk is carried out systematically and speedily by all relevant authorities in co-operation, providing co-ordinated safety and support.</i> <i>b. ensuring that risk assessments are carried out maintaining systematically all records of reports of violence to allow the evaluation of the risk of repeat and escalating violence while ensuring respect for the principles of personal data protection;</i> <i>c. considering to set up a system, such as domestic homicide review mechanisms to analyse all cases of gender-based killings of women, with a view to preventing them in the future and resolving any systemic shortcoming in the risk assessment process; and</i> <i>d. ensuring that there are mechanisms to implement the safety plan, for instance, through panic buttons, monitoring of the offender through tagging etc.</i> <p>Malta already implements recommendations (a), (b), and (d) through FSWS including safety planning and carries out risk assessment services on a 24/7 roster.</p> <p>Recommendation (c): Malta commits to study the possibility of introducing a domestic homicide review mechanism to analyse all gender-based killings of women.</p>	
<p>C.</p> <p>221.</p>	<p>Emergency barring orders (Article 52)</p> <p><i>GREVIO urges the Maltese authorities to take the legislative and or policy measures needed to bring the Maltese legal framework and practice in line with Article 52 of the Istanbul Convention, notably by:</i></p> <ul style="list-style-type: none"> <i>a. ensuring that:</i> <ul style="list-style-type: none"> <i>i. TPOs are time-bound, non-renewable, with the possibility of securing longer term protection through a protection order;</i> <i>ii. TPOs can be issued quickly in situations of immediate danger without lengthy proceedings;</i> <i>iii. The alleged perpetrator is removed from the residence, rather than the victim</i> <i>b. setting up a centralised system that will record the issue of TPOs as well as any breaches of such orders; and</i> <i>c. stepping up efforts to promote, monitor and enforce TPOs, including through protocols/regulation and technical means such as electronic tagging.</i> <i>d. Ensuring that sanctions for breaching protection orders are</i> 	

	<p style="text-align: center;"><i>effectively applied in practice.</i></p> <p>As explained in Recommendation 53 data regarding TPOs is being collected as of January 2020.</p> <p>It should be noted that Malta is already implementing recommendation (a)(i), (ii) and (iii) through articles 540A and 412C of the Criminal Code. In summary, article 540A provides for the issuance of a temporary protection order whenever a person is at a serious risk of harm. In such instances TPOs are issued within a time frame of twenty hours; and are therefore time-bound. During such period – that is, only during the twenty-hour time frame, sheltered accommodation shall be provided to the alleged victim.</p> <p>One of the orders which may be included in a TPO by the Magistrate is the removal of the alleged perpetrator from the premises, even if the latter has a legal interest in those premises. Thus, it is the perpetrator who is removed from the home, not the victim.</p> <p>With regard to timeframe, this article provides that all TPO’s shall remain in force:</p> <ul style="list-style-type: none"> (i) until thirty days from when the TPO was issued; or (ii) until first court sitting. <p>In this regard, it is worth nothing that the Police should institute criminal proceedings against the alleged offender by not later than thirty days.</p> <p>Moreover, a TPO issued under article 540A shall lapse:</p> <ul style="list-style-type: none"> (i) if it is determined that no criminal proceedings are to be instituted; (ii) after thirty days from when the TPO was issued; (iii) after first court hearing; or (iv) upon the issuance of a protection order under article 412C. <p>In addition to article 540A, article 412C provides for a longer-term protection through a protection order.</p> <p>With regard to renewability of TPOs, article 540A provides that a TPO can be revoked or extended for a further period by the Magistrate who issued the order provided a just cause is shown.</p>	
<p>D.</p> <p>227.</p>	<p>Protection orders (Article 53)</p> <p><i>GREVIO urges the Maltese authorities to take the legislative and or policy measures needed to bring the Maltese legal framework and practice in line with article 53 of the Istanbul Convention, notably by:</i></p> <ul style="list-style-type: none"> <i>a. Ensuring that protection orders are available under civil law for women, irrespective of or in addition to other legal proceedings.</i> <i>b. Setting up a centralised system that will record the issue of protection orders as well as any breaches of such orders.</i> <i>c. Stepping up efforts to monitor and enforce protection orders, including through protocols/regulation and technical means such as electronic tagging.</i> 	

	<p><i>d. Ensuring that victims are promptly informed when perpetrators served with a protection order are released on bail.</i></p> <p><i>e. Ensuring that sanctions for breaching protection orders are effectively applied in practice.</i></p> <p>Malta will explore the possibility of investigating whether this recommendation can be integrated within national legislation.</p> <p>a – Malta already implements recommendation (a) through Articles 37 and 39 of the Civil Code. The Civil Code provides that when evidence of domestic violence has been produced the provisions of article 412C (protection order) and 412D (treatment order) of the Criminal Code shall apply <i>mutatis mutandis</i> during civil proceedings relating to family issues.</p> <p>b – Malta implements recommendation (b) through article 540A of the Criminal Code. Article 540A ensures that there are no time windows during which the victim is left unprotected.</p> <p>An interesting safeguard in this regard is the proviso to sub-article (7) of article 540A which provides that if during the first court sitting a request is made for the issuance of a protection order under 412C, the Court may decide to extend the TPO. This will ensure that until a protection order is issued by the Court the victim is still protected through a TPO.</p> <p>e – Malta implements recommendation (e) through Article 6 of the Victims of Crime Act, dealing with the right of the victim to receive information on the case, specifically through sub-articles (2) and (3).</p>	
<p>E.</p> <p>231.</p>	<p>Measures of protection (Article 56)</p> <p><i>GREVIO strongly encourages the Maltese authorities to take measures to reduce the risk of secondary victimisation of victims of violence against women and to protect the rights and interests of victims, notably by:</i></p> <ul style="list-style-type: none"> <i>a. ensuring that courts have separate waiting areas for victims and perpetrators and that police officers implement in practice their obligation to interview the victim in a private room, separate from the alleged perpetrator;</i> <i>b. systematically giving victims the option to testify in the courtroom without being present or without the presence of the perpetrator, through the use of tele-conferencing material;</i> <i>c. ensuring that the victim is informed when the perpetrator is released or has escaped, including by setting up appropriate channels of communication between the courts and the police, including through a computerised system.</i> <i>d. ensuring that police stations and courts are equipped and cater to the special needs of women with disabilities, whether these are physical or developmental.</i> <i>e. collecting data on a regular basis and carrying out research, including from a victim’s perspective, on the effectiveness of</i> 	

	<p style="text-align: center;"><i>the measures in place to avoid repeat victimisation through the justice system.</i></p> <p>Malta will be analysing the recommendations outlined above in the European Strategy on Victims’ Rights with respect to measures on secondary victimisation and will be studying possibilities to implement such measures in the short, medium and long-term.</p> <p>Malta points out that recommendation (b) is already being implemented. Article 646 of the Criminal Code which specifically states that <i>viva voce</i> testimony is not required where it is apparent to the Court that such examination would cause the witness to suffer psychological harm. For witnesses who are minors, their audio or video-recording of their testimony is also sufficient.</p> <p>Presently, the Court Services Agency also offers a separate room for the victim to give testimony without the presence of the perpetrator. The CSA has in fact a separate remote witness facility whereby the victim can give testimony without entering a court room or meet the perpetrator and is also equipped for persons with disabilities.</p> <p>Recommendation (c) is also implemented by means of Article 6(2) of the Victims of Crime Act, which states that the victim is to be informed if the person in custody, prosecuted, or sentenced for an offence concerning the said victim is released or has escaped detention, among other information.</p>	
<p>F.</p> <p>236.</p>	<p>Legal Aid (Article 57)</p> <p><i>GREVIO encourages the Maltese authorities to ensure that legal aid in civil proceedings is more accessible for victims of violence against women, notably by adapting the threshold that bars victims’ access to legal aid to the high cost of living in Malta and extending legal aid to assistance before the first court hearing. GREVIO further encourages the Maltese authorities to ensure adequate staffing of Legal Aid Malta.</i></p> <p>It is agreed that there are instances when victims of violence against women find it financially difficult to proceed in civil proceedings, such as separation cases, care and custody, maintenance cases etc. Considering that the present low threshold to pass legal aid means test compared to the income and cost of living in Malta might make it difficult to get access to legal aid services, the Legal Aid Agency will be examine the possibility of an increase in the threshold with stakeholders. On the other hand, consideration is to be made that being a victim or a vulnerable person does not entail that the person is not earning money or does not have disposable income at hand.</p> <p>Moreover, once a client becomes eligible for legal aid, legal assistance will be provided.</p> <p>It is also agreed that the Legal Aid Malta Agency needs to increase the present two full-time administrative employees in order to better function to provide</p>	

	administrative assistance to cover legal aid administration in Malta and Gozo. During 2020 and by third quarter of 2021, Legal Aid Malta would be in the process to hire more employees.	
IV.	Migration and asylum	
A.	Residence status (Article 59)	
241.	<p><i>GREVIO invites the Maltese authorities to</i></p> <ul style="list-style-type: none"> <i>a. raise awareness among migrant women entering Malta on the basis of a family reunification scheme or upon marriage with a Maltese national of the possibility to obtain an autonomous residence permit on the grounds of being a victim of abuse irrespective of the duration of the relationship; and to</i> <i>b. publish information and guidelines for migrant women victims of domestic violence and their legal representatives on the information and evidence required to obtain an autonomous residence permit on the grounds of being a victim of abuse.</i> <p>Malta is committed towards strengthening awareness-raising campaigns among migrant women and provide the necessary information as stated in recommendation 101.</p>	
B.	Gender-based asylum claims (Article 60)	
1.	Gender-sensitive asylum determination procedure	
248.	<p><i>GREVIO strongly encourages the Maltese authorities to:</i></p> <ul style="list-style-type: none"> <i>a. introduce systematic vulnerability screening for women and girls upon arrival in order to identify international protection needs and make referrals to specialist services with a view to enabling women to disclose experiences of gender-based persecution, as well as to pay due attention to country-specific reasons that might have prevented women from reporting to authorities in their countries of origin the experiences with violence;</i> <i>b. guarantee that adequate information is provided, in all phases of reception, asylum determination and appeal processes to all women seeking asylum with the aim of increasing their awareness of their vulnerabilities and their rights and facilitating their access to general and specialist protection and support services;</i> <i>c. ensure the adequate quality of legal representation for women asylum seekers throughout the asylum application process, starting from the first interview;</i> <i>d. ensure that lawyers, decision makers and judges have access to gender guidelines and are trained in respect of a gender-sensitive application of the definitions of both persecution and refugee grounds to women's claims for protection under the 1951 Refugee Convention;</i> <i>e. introduce standardised procedures and adopt gender-sensitive</i> 	

guidelines to assist adjudicators to apply a gender-sensitive approach to determining claims for asylum; and to

- f. take measures to ensure the availability of trained same-sex interviewers and interpreters.*

Malta already provides vulnerability screening for women and girls in order to identify international protection needs and make referrals to specialist services with a view to enabling women to disclose experiences of gender-based persecution. Teams from AWAS and EASO are in place so this process will be implemented on a systematic basis by September 2020.

Information pertaining to the asylum procedure and rights and obligations is already provided to each and every applicant, and persons identified as being vulnerable are referred to the competent authority/service following their written consent. The information provision provided by the International Protection Agency (IPA), also provides information pertaining to NGOs and government entities that provide support to women who have been victims of SGBV.

AWAS will be implementing recommendation (b) to guarantee that adequate information is provided to all women seeking asylum with the aim of increasing their awareness of their vulnerabilities and their rights and facilitating their access to general and specialist protection and support services via the establishment of the Migrants Advice Unit by October 2020. Currently interviews are being held.

Malta provides legal aid at second instance only, considering this to be sufficient. All lawyers within the TCN Legal Aid Pool are warranted lawyers. The female lawyers have followed training on Domestic and Gender-based Violence.

The following actions will be taken by IPA which address recommendation (d). IPA caseworkers already attend training at EASO, including modules on sexual orientation and gender identity (SOGI) and interviewing vulnerable persons, as well as other relevant training on sexual and gender-based violence (SGBV) (e.g. by UNHCR and IOM).

In view of the conversion of RefCom to an Agency with increased resources, a more rigorous training programme will be enforced, including minimum mandatory training also on such topics. Furthermore, the IPA is also in the process of developing internal guidance on SOGI and SGBV.

IPA are in the process of finalising internal guidance on the fast-tracking of the procedure for vulnerable cases. This fast-tracking means that such cases are prioritised over other in terms of interview allocation, assessment and notification of the decision, all while ensuring that all special procedural safeguards are maintained.

In relation to recommendation (e), the IPA is in the process of developing internal guidelines on SOGI and SGBV. The IPA is also in the process of finalising internal guidelines on fast-tracking of vulnerable cases in line with all special procedural safeguards. In addition, recent decisions taken on individual cases have also taken into account specific provisions of the Istanbul Convention in terms of Chapter 581 of the Laws of Malta.

	<p>As to recommendation (f), this is already being implemented. The new internal guidelines of the IPA on fast-tracking of vulnerable cases offer the possibility for the applicant to express a preference on the gender of the interpreter and also the interviewer. Every effort will be made to ensure that this preference can be adhered to.</p>	
<p>2. 253.</p>	<p>Reception and accommodation facilities</p> <p><i>GREVIO urges the Maltese authorities to</i></p> <ul style="list-style-type: none"> <i>a. ensure that women asylum-seekers are screened upon or swiftly after arrival for vulnerabilities such as experiences or risk of gender-based violence that would require safe accommodation and/or special support services and counselling with a view to ensuring their swift transfer to open reception facilities; and</i> <i>b. ensure that women and girls are not placed in mixed-sex reception facilities or immigration detention facilities, including while in asylum detention.</i> <p>Malta already implements this recommendation.</p> <p>During the time spent at the Initial Reception Centre, migrants are assessed by professionals from the Agency for the Welfare of Asylum Seekers with a view to identifying vulnerabilities.</p> <p>The vulnerability assessment procedure undertaken by AWAS takes into account potentially traumatic experiences undergone by the individual migrant.</p> <p>The condition and circumstances of the individual, both psychological and physical, is taken into consideration. If necessary, AWAS professionals call on the assistance of other specialised professionals whilst conducting vulnerability assessments, and in cooperation with relevant stakeholders, draw up a referral mechanism with a view to facilitating vulnerability assessment procedures.</p> <p>Measures are in place to ensure that assessment is prompt and efficient as much as possible to ensure the right level of protection.</p> <p>It is an already existing policy for Malta not to detain unaccompanied minors and family units.</p> <p>Furthermore, this recommendation is in place in relation to Initial Reception Centre and Open Centres, whereby males are accommodated separately from females, unaccompanied minors and family units.</p>	
<p>C. 256.</p>	<p>Non-refoulment (Article 61)</p> <p><i>GREVIO urges the Maltese authorities to uphold their obligation to respect the principle of non-refoulement of victims of violence against women, including by ensuring that the human rights of victims rescued at sea are never put at risk</i></p>	

because of disagreements about disembarkation.

Malta abides by the principle of non-refoulement in accordance with its international obligations and the provisions of the Refugees Act. The principle applies in respect of all asylum seekers and beneficiaries of international protection. Malta has never relinquished any responsibility or abandoned a single distress case in its Search and Rescue Region quite contrarily, often ended assuming more responsibilities than those strictly imposed by the applicable Conventions.

All notifications received are investigated, assessed, prioritised and actions are taken accordingly. Malta seeks to continue to respect all its international obligations regarding the rescue of persons in distress at sea inside its area of responsibility. All such efforts are conducted in full respect of relevant instruments of international law; fulfilling all SAR obligations as set out in the UN Convention on the Law of the Sea, applicable provisions contained within the **1979** Maritime SAR Convention. Malta seeks to disembark rescued persons within the Malta's area of competence as early as possible, which disembarkations however are to be conducted in the nearest place of safety as provided for in the pre-Amendment SAR legislation and responsibility for disembarkation is not incumbent therefore on Malta alone. It is in fact the responsibility of ALL governments to cooperate with each other in order to provide suitable places of safety.