



8<sup>th</sup> January 2018

Mr Nils Muiznieks  
Commissioner for Human Rights  
Council of Europe

Excellency,

Thank you for your visit to Malta and for your follow-up letter dated 5 December 2017.

The Government of Malta follows closely the work of the Council of Europe and is doing its utmost to adopt legislation that upholds current human rights standards. This is why in the past few years alone we ratified Prot. 12 to the ECHR and the Istanbul Convention amongst other efforts.

Specifically with regard to your point regarding our choice of language The Bill that is currently advancing within the Maltese Parliament is entitled the *Gender-Based Violence and Domestic Violence Act* (available at: <https://parliament.mt/en/13th-leg/bills/bill-no-014-gender-based-violence-and-domestic-violence-bill/>).

As stated in its introductory paragraph laying the Bill's scope, it is intended "to make provisions for the substantive articles of the Council of Europe Convention on prevention and combating of violence against women and domestic violence to become, and be, enforceable as part of the Laws of Malta; to promote and protect the right of everyone, and particularly of persons who are at risk of domestic violence to live free from violence in both the public and private sphere; to repeal the Domestic Violence Act (Cap. 481) and the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence (Ratification) Act (Cap. 532) and to make consequential and other amendments to various other laws."

In our formulation of Bills, especially such legislation that is actively promoting equality for all and a stronger human rights framework in Malta, the Maltese Government is very careful to use terminology that is all encompassing of all persons without exception. This is part of our equality mainstreaming approach. Previous examples of the implementation of such an approach include the introduction of civil unions for all couples, even though same-sex couples were the ones that were not yet allowed to register their unions; the introduction of legislation tackling conversion practices on the grounds of sexual orientation, gender identity and gender expression without ever referring to terms such as 'gay', 'lesbian',



'bisexual', etc. even though no cases of conversion practices employed against heterosexuals have ever been reported; and more recently, the introduction of our marriage equality legislation which meticulously removed all gendered references in law and on forms pertaining to marriage and emanating rights. While this is our approach with regard to legislation, however, we then do address the particular vulnerabilities of minorities in our messaging.

Indeed, in terms of gender-based violence, a Facebook campaign that was led by the Human Rights and Integration Directorate during the months of November and December and reached more than 250,000 persons, made express reference to violence against women, and the disproportionate impact that gender-based violence and domestic violence has on women. All materials are available at [www.facebook.com/HRIDmt/](http://www.facebook.com/HRIDmt/). In our view, this is an approach that works and we intend to retain and build on it.

In terms of the sanctions found in the new law, indeed the penalties for perpetrators of gender-based violence and domestic violence will be harsher than current ones. Besides, a *Gender-Based Violence and Domestic Violence Strategy and Action Plan* (available at: [http://meae.gov.mt/en/Documents/GBV\\_DV%20Strategy%20and%20Action%20Plan%20publication.pdf](http://meae.gov.mt/en/Documents/GBV_DV%20Strategy%20and%20Action%20Plan%20publication.pdf)) provides a focus on multi-agency cooperation and the strengthening of current services. An exercise regarding the additional resources needed for the various service organisations and institutions participating in the implementation of the strategy was carried out and government will make sure that such resources reach them and are used effectively.

Furthermore, a project that is being led by the Human Rights and Integration Directorate has in fact already trained more than 700 professionals from different sectors including the police and social services, and is laying the foundation for the adoption of better tools to help professionals assess risk and protect victims and potential victims better. Once the law is adopted, the police will be empowered to seek urgent temporary removal of perpetrators from the domestic unit, and victims will not be in a position to 'pardon' their perpetrator with the effect of terminating court proceedings any longer. The implementation of this strategy will be monitored and an evaluation of the outcomes will inform future action in this area.

In terms of data collection, the Commission on Domestic Violence will be empowered under the new law to assume the role of the coordinating body required by the Istanbul Convention. As a result, among other things it will play a stronger role in the monitoring of the implementation of the legislation, including with reference to statistical and other data emanating from research that will be purposely commissioned.

We take note of the HELP online training course and will make sure to disseminate it as necessary.



Sexual and reproductive health and rights are indeed sensitive issues in Malta, yet progress was already achieved in this field and we intend to continue to widen the debate. Indeed, emergency contraception was introduced in Malta at the end of 2016 and is sold over the counter by pharmacists across the country. This year, Government shall be lowering the age of consent to sixteen, and will also be tabling amendments to the Embryo Protection Act. The latter is discriminatory against lesbian couples as they are excluded from such treatment outright, and is highly restrictive on all individuals and couples who wish to undergo IVF treatment. Nonetheless, my Government neither has the political mandate to open a debate on access to abortion, nor the support of the public opinion on this matter.

My Government looks forward to continue the constructive dialogue that it has with your office as well as the rest of the Council of Europe.

Yours Sincerely,

A handwritten signature in blue ink, appearing to be 'J. Muscat', written in a cursive style.

Joseph Muscat  
Prime Minister