



**FEM-UNITED**

united to prevent femicide in europe

**Country Report on Femicide Research and  
Data:  
MALTA**

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## Table of Contents

<b>The FEM-UNITED Project</b> .....	5
<b>1. Definition and Methodology</b> .....	6
1.1. Femicide definition .....	6
1.2. Developing and Measuring Tools .....	6
<b>2. Introduction to Femicide in Malta</b> .....	9
<b>3. The national legal and policy background</b> .....	11
3.1. The legal framework on gender-based violence and femicide in Malta .....	11
3.2. Former and current policies to prevent gender-based violence and femicide in Malta .....	16
3.3. Official reporting on VAW and femicides in the country and institutional protocols .....	17
3.4. Research on femicides in Malta .....	18
3.5. The support and intervention system in Malta .....	20
3.6. Multiprofessional networks on preventing gender-based violence and femicides .....	22
3.7. Femicide and VAW in the media .....	22
3.8. Gender values and gender (in)equality in Malta .....	22
3.9. Impact of COVID-19 on legislation, service provision, measures and prevalence of femicide .....	24
<b>4. The prevalence of femicide in Malta</b> .....	25
4.1. Data sources and methods of data collection .....	25
4.1.1. Data Sources on the extent of femicide in Malta .....	25
4.1.2. Experiences with the use of the EOF data collection tool .....	26
4.2. Extent of the problem and further information on cases .....	26
4.2.1. Extent of femicide (annual cases) on the basis of official statistics .....	26
4.2.2. Information on the extent from studies or NGOs .....	26
4.2.3. Extent on the basis of the EOF data collection (+ rate of IPF) .....	27
4.2.4. Victim-perpetrator-relationship and types of killings .....	27
<b>5. Background information on the cases</b> .....	28
5.1. Background information on the victims .....	28
5.1.1. Age of women killed .....	28
5.1.2. Further characteristics of the victims .....	28
5.2. Characteristics of the perpetrators .....	28
5.2.1. Number of perpetrators .....	28
5.2.2. Gender of the perpetrators .....	28
5.2.3. Age of the perpetrators .....	28
5.2.4. Other characteristics of the perpetrators .....	29
5.3. Further background information on cases of intimate partner femicides ....	29

5.4.	Institutional knowledge in advance of the killings and institutional reactions..	29
5.4.1.	Prior case knowledge.....	29
5.4.2.	Trial and results of the trial.....	30
5.5.	Summary of quantitative analysis.....	31
<b>6.</b>	<b>Qualitative Analysis - In-depth case knowledge as an example for cases that can be informative for prevention .....</b>	<b>31</b>
6.1.	Case one.....	31
6.1.1.	Characterization of victim, perpetrator, and their relationship .....	31
6.1.2.	Coercive control and victim's strategies to deal with perpetrator.....	32
6.1.3.	Previous help-seeking and reports to the authorities .....	32
6.1.4.	Family, formal and informal networks.....	32
6.1.5.	Social and economic status.....	33
6.1.6.	Official reports and risk assessment .....	33
6.1.7.	Social and cultural norms relevant to the specific case .....	33
6.2.	Case two .....	34
6.2.1.	Characterization of victim, perpetrator, and their relationship .....	34
6.2.2.	Coercive control and victim's strategies to deal with perpetrator.....	35
6.2.3.	Previous help-seeking and reports to the authorities .....	36
6.2.4.	Family, formal, and informal networks.....	36
6.2.5.	Social and economic status.....	37
6.2.6.	Official reports and risk assessment .....	37
6.2.7.	Social and cultural norms relevant to the specific cases .....	37
6.3.	Similarities and specificities of the cases .....	37
<b>7.</b>	<b>Conclusions .....</b>	<b>38</b>
<b>8.</b>	<b>Preliminary recommendations .....</b>	<b>39</b>
<b>9.</b>	<b>Bibliography .....</b>	<b>42</b>

## The FEM-UNITED Project

Femicide – the gender-motivated intentional killing of women – is not only the most extreme manifestation of gender-based violence against women but also the most violent manifestation of discrimination against them and their inequality.

Despite the magnitude of the problem, and calls by the UN Special Rapporteur on Violence against Women, data on femicide was not officially and systematically collected in the EU and there was a lack of transnational tools for the study of femicide, before the European Observatory on Femicide began to develop an internationally comparable data base. Nevertheless, femicide is a notably under-researched subject. A common definition of femicide does not exist. Furthermore, harmful attitudes, behaviours and stereotypes, as well as a lack of understanding of the gendered dynamics of intimate partner femicides, impede prevention measures, including early and effective intervention.

The FEM-UNITED project aims to improve responses to IPV and domestic violence (DV) in order to reduce harm to women and children, and prevent femicide. The project aims for improved systems-wide responses to IPV by creating an evidence base for raised public awareness and the fostering of multi-disciplinary cooperation and capacity building, adopting a gender-specific victim-centred approach. In other words, FEM-UNITED is about creating evidence for collaborative policy change.

FEM-UNITED will reinforce and contribute to international efforts – such as the European Observatory on Femicide and the [Femicide Watch Platform](#) – by a) developing quantitative and qualitative tools dealing with transnational and applied femicide data that measures the prevalence of femicide and related risk factors, b) identifying gaps in system responses to IPV/DV across the partner countries, and c) promoting change through systematic stakeholder engagement that will result in specific commitments for action for femicide prevention based on the project's findings and results.

The FEM-UNITED partnership spans five EU countries and includes the University of Malta, the Cyprus University of Technology, the Institute for Empirical Sociology (IfeS) at the Friedrich-Alexander University Erlangen-Nuremberg, the University of Zaragoza, and the University of Porto. The project team is also comprised of advocacy NGOs and women's specialist services including the Mediterranean Institute of Gender studies (Cyprus), the Women's Rights Foundation (Malta), and the UMAR – União de Mulheres Alternativa e Resposta (Portugal).

The FEM-UNITED team consists of advisory board members and country focal points of the [European Observatory of Femicide \(EOF\)](#), the first European-wide network established with the aim of monitoring cases of femicide and contributing to the prevention of femicide.

## 1. Definition and Methodology

### 1.1. Femicide definition

In national and international contexts, the term femicide is and was used to politicise that women and girls are killed by men on the background of patriarchal beliefs, practices and power structures. Several definitions have been used, but all of them describe femicide similarly as the murder or killing of women because of their gender. The overall motive is to express the subordination of women and girls and to gain power and control over them.

The term femicide was first used by Diana H. Russell in 1976 at the first International Tribunal on Crimes against Women. Later, the concept of feminicidio was developed by the Mexican anthropologist and feminist Marcela Lagarde and used in Latin America since the 1990ies in regard to the rise in extreme violence against women and killings of women in Mexico, and the failure of the state to prosecute and punish perpetrators. In United Nations documents femicide/feminicide appear since the early 2010s and are described as gender related killings of women that can take many forms (e.g. intimate partner killings, honour killings, killings as a result of sexual orientation or gender identity). In Europe the term femicide was conceptualized first by the Cost Action on femicide since 2014, followed by the European Observatory on femicide (EOF) and the European Institute for Gender Equality (EIGE) since 2017/18 (Weil/Corradi/Naudi 2018, p. 17).

The FEM-UNITED project that was developed within the European research context, uses the term femicide for intentional killings of women because they are women. Femicides are seen against the background of gender-specific power and hierarchy relations and patterns of control. As killings of women are most often committed by male partners or ex-partners, the project focuses on intimate partner killings of women. Broader definitions include all killings of women or girls, or killings of women and girls by family members and in the context of sexual violence.

For the data collection of FEM-UNITED, first all cases of women who had been killed in the country are collected and then the killings by partners or ex-partners are analysed more in-depth. In the EOF, additionally to intimate partner femicides, further forms are investigated, like killings in the context of sexual violence, hate crimes against women and killings by other male family members.

### 1.2. Developing and Measuring Tools

Within the work of the COST Action on Femicide the existing data and information on femicide across Europe was selected and analysed (Weil et al. 2018). The official national data of the police and courts is not comparable between countries due to different legal definitions and/or different statistical frameworks of counting the cases (Schrötle and Meskova 2018; Corradi et al. 2018). Thus, more comparable and more in-depth-information on the cases was collected through the EOF focal points to further explore the roots and backgrounds of femicide and to get important information for effective prevention across Europe.

A priority action of the EOF since 2019, was the development of two data collection tools - one for quantitative and one for qualitative data collection. This provided a common agreed variable selection and comparable data. These tools were piloted, with the support of the EOF's focal points, initially in seven European countries, and have been further developed since then. Currently, the EOF is using the tools in 23 EU countries and plans to expand it to all European countries. The final version of the data collection tool was tested and modified and is now used within the project FEM-UNITED, where five countries are preparing awareness raising campaigns and multi-professional training, also for the media, police, social workers and other stakeholders.

In the following, the method of the quantitative and qualitative tools is described.

## **a) Quantitative data collection tools**

The tools for the quantitative data collection are based on an excel file for the input of the data collected, together with detailed instructions for the national researchers' work. In-depth information on all cases of women killed, aged 15 years and over, is inserted, as can be found through the media or police press release or other available sources. Later (in the second and third stages), the data is verified through additional information from the police and justice system. Thus, the data base is a work-in-progress.

The quantitative data collection tools of the EOF includes the following information:

### **1. Basic Data**

(date and time of killing, as well as the city or region of killing)

### **2. Characteristics of victim(s)**

(age group, marital status, occupation, employment, minority ethnic background, country of origin and possible disabilities)

### **3. Additional victims**

(number and relationship of additional victims killed during the femicide)

### **4. Characteristics of perpetrator/s**

(number of perpetrators, age-group, gender, marital status, occupation, minority ethnic background, country of origin, mental health problems and prior perpetration of violent crimes)

### **5. Victim-Perpetrator-Relationship**

(current/former intimate partner, marital status, other family member, other relationship specified)

### **6. Situational Factors**

(area of femicide, crime scene, method of killing, witnesses, pregnancy of the victim, context of sexual violence/rape, suicide of the perpetrator after the murder, prior domestic violence or abuse by same perpetrator specified with description on forms/intensity of violence, context of elder/ill/suicidal victim, prior stalking, other situational factors, e.g. alcohol, revenge, jealousy or factors which are important to mention)

### **7. Background information on cases**

(incident after/during separation and weeks after separation, perpetrator threatened to kill victim prior to femicide with threats specified, prior violence or threat known to the police, protection orders, previous convictions of perpetrators for assaults/criminal codes, case known to the support system, case known to others, outcome of the trial, type of femicide and further comments).

The quantitative data collection tools functioned quite well in the countries that have tested and used them, though a lot of in-depth information is not available or only available after the trial and further investigations. In the next steps, the project will try to get more information on the cases through the support system, the trials and other sources with support of the state and multi-professional systems. As through the EOF data collection the number of cases to be analysed is growing from year to year, a higher cases basis will be available for further in-depth statistical analyses on background, motives and institutional reactions. For FEM-UNITED, data from 2019 and 2020 was collected and analysed in five countries.

## **b) Qualitative tools for the analyses of femicides**

Within the EOF and the FEM-United work, further methods have been developed to gain qualitative information and data on the cases and the societal and political background factors of femicides within the European countries.

Therefore, the background situation on the countries was collected as per the following:

- Information on the multi-professional network on preventing gender-based violence and the social responses to women in the country
- Information on the legal framework on gender-based violence in the country
- Information on the prevention of gender-based violence
- Institutional protocols on identifying and/or reporting gender-based violence
- Information about gender values and data on gender (in)equality
- Social and cultural values around “the family” and around domestic and gender-based violence
- Published studies on prevalence of domestic violence in the country
- Published studies on the media portrayals of femicide and gender-based violence
- Data on gender parity and differentials in politics/media/public figures in the country
- Impact of COVID-19 in legislation, service provision, measures and prevalence of femicide
- Other relevant background information.

Additionally, for a qualitative in-depth analysis, some case files have been studied in the countries to explore more about the environmental social, legal and policy backgrounds that contribute to the femicides. More in-depth information on single cases was analysed, regarding:

- Characterization of victim, perpetrator and their relationship
- Coercive control and victim’s strategies to deal with perpetrator
- Previous help-seeking and reports to the authorities
- Family, formal and informal networks
- Social and economic status
- Official reports and risk assessment
- Social and cultural norms relevant to the specific cases.

The findings are presented in four levels: individual, proximate, institutional and societal levels, aiming to achieve an ecological understanding of femicide, and paving the way to make recommendations for its prevention relevant to these various levels.

### Individual Level

In the Individual level the data was collected in regard to the victim, the perpetrator and their relationship, and main characteristics and risk factors were analysed (e.g. previous separation or divorce, previous history of domestic violence, coercive control, victims strategies of survival).

### Proximate Level

The Proximate level includes people (family and friends) and places (community, work, school) with which the victim and perpetrator have daily and close association. Here, it was analysed, whether the social relationships play an active or passive role regarding support to the victims. Furthermore, stereotypes and victim blaming discourses were tackled.



### Institutional Level

At the Institutional level, information was collected according to what institutional responses (through police, the support system, youth protection offices and the judiciary systems) were available and how these responses and institutions were articulated in the specific case for reducing risks, ensuring the victims' safety and punishing the offender.

### Societal Level

The Societal level contains those cultural, social and economic indicators that are perceptibly reflected in the specific cases. Here, different aspects of the patriarchal systems were analysed in regard to gender roles and gender equality, social and economic situation of women, gender stereotypes and values. Furthermore, media reporting was included in the analyses as well.

## **2. Introduction to Femicide in Malta**

Malta's societal character is heavily framed by patriarchy, seen clearly in the social attitudes, gender roles and the male dominated discourse in everyday life. The mentality is driven by gender stereotypes, especially the roles men and women should play in the family and in society. Men are the public body, whilst women are the private body. This reflection of how men and women take up space has hindered women who have experienced and are survivors of gender-based violence to access help and assistance (Naudi, Clarke & Saliba, 2018).

The primacy of the family is still quite dominant within Maltese society, and this acts as a barrier to women leaving an abusive relationship, especially due to the assumed 'wellbeing' of the children<sup>1</sup>. Women, as per the gender stereotypes, feel responsible for the wellbeing of the family and are thus hesitant to uproot their children, wishing to bring them up in a 'family' setting. As discussed further below, the narrative being presented of women is that of a 'good' woman who lavishes care and love on her husband and children and does whatever is possible to smoothen their path in life and maintain the family.

As a result, women often find it difficult to exit a 'family' relationship, even when it is abusive. If they succeed in taking that first step, they then have to face the patriarchal attitudes prevalent not only within society at large, but also within the various institutions that are there to provide help, support, and justice (Naudi et al, 2018). If the police do not consider abuse by a man on a woman (in this case with the victims possibly labelled as 'conniving') to be such a serious matter, then their actions to 'help and support' or to facilitate 'justice' will reflect their attitudes. The same would apply to the courts (Naudi et al, 2018). These social conditions, among others, do not mitigate against the risk of femicide.

The EIGE Gender Equality Index 2019<sup>2</sup> on Malta found that the responsibilities of care still fall on the shoulders of women, and that women were expected to care for others, be it children or older relatives, regardless of any possible studies or employment, whilst men were expected not to take primary responsibility for 'care'. Apart from the general care of the family, EIGE found that many women were still the ones who tend to any household needs which involve cooking and housework. Even in recent studies which have been carried out, society still believes that a woman's duty is one of care, of the home and the family, whilst the man's duty is to earn money (as reported in Calleja, 2020).

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<sup>1</sup> Source: Naudi, Clarke & Saliba. (2018) p.68. [https://webcache.googleusercontent.com/search?q=cache:9yESLe7m548J:https://ec.europa.eu/justice/grants/results/daphne-toolkit/file/3383/download\\_en%3Ftoken%3DT-Fho LI+&cd=3&hl=en&ct=clnk&gl=mt](https://webcache.googleusercontent.com/search?q=cache:9yESLe7m548J:https://ec.europa.eu/justice/grants/results/daphne-toolkit/file/3383/download_en%3Ftoken%3DT-Fho LI+&cd=3&hl=en&ct=clnk&gl=mt)

<sup>2</sup> Source: <https://eige.europa.eu/publications/gender-equality-index-2019-malta>

Naudi et al. (2018) found many survivors experienced shame, as a result of the cultural expectations on women, that even if their male partner was abusive, they were expected to remain in that relationship no matter the cost, as preserving the family unit is considered essential.

Malta ratified the Istanbul Convention in 2014 and implemented it in May 2018. However, violence against women has not decreased in the last decade but rather become more visible. According to the FRA (2014) study, in Malta, 1 in 7 women were exposed to physical or sexual violence from young ages, with at least 23% suffering physical, sexual or psychological abuse prior to the age of 15<sup>3</sup>. With regards to intimate partner violence as recorded in the study carried out by the Commission of Domestic Violence (2011), 12% of women have been victims of intimate partner violence in their lifetime, whilst only 14% of those women contacted the police<sup>4</sup>.

In terms of femicide, historian Eddie Attard (2016) wrote that “[s]ince 1800, 30 per cent of female victims of homicide in Malta were killed by their husbands or ex-husbands... The most common motives for these uxoricides<sup>5</sup> are jealousy, envy, hatred and infidelity<sup>6</sup>.” Cutajar (2020)<sup>7</sup> in her study on domestic femicides in Malta cites an article in the Times of Malta (2015) highlighting that “[b]etween 2010 and 2015, 25% of the murders committed in Malta were related to domestic violence and femicide and this number reflects the reality of the number of unsolved and pending cases”. However, since then the number of domestic femicide cases in Malta has risen. Cutajar (2020) found a clear connection between domestic violence and femicide, pointing out that in most of the cases, there was some form of domestic violence prior to the killing. Cutajar (2020, p.43) explains that “most of the themes such as relation to the victim, stalking and harassment, domestic abuse, and previous police reports revolved around domestic violence” before the femicide took place.

Over the span of 10 years, reported cases of domestic violence have increased in number (from 848<sup>8</sup> to 1645<sup>9</sup>) and it is suggested that part of the reason behind such an increase for Malta was the increase in the population<sup>10</sup>, as well as the increase in awareness among the general population, leading to more people reporting. The rate of reporting also increased from 203 per 100,000 population, to 318 per 100,000 population (approximately 56% increase). During the same period the population increased by approximately 23%.

Increased reporting contributed to a shift in focus, as on a national level domestic violence became considered a more serious issue. On the other hand, a constant factor remained clear, women were still being killed, and the majority of them were killed as a result of intimate partner violence. The data shows that women have been killed mainly by an ex-husband or ex-partner, and the perpetrators have always been male. This also highlights the issue of gender, that more women are killed by men than vice-versa.

In 2006, Malta introduced the Domestic Violence Act (Chapter 481) and the Commission on Domestic Violence was set up. However, prior to this, from about 1986, initiatives to prevent and combat violence against women took shape, such as the opening of the NGO shelter Dar

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<sup>3</sup> Source: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf)

<sup>4</sup> Source: [https://fsws.gov.mt/en/fsws/Documents/Research/National%20Reports%20-%20Others/commission\\_dv\\_nation-wide\\_research\\_study\\_prevalance\\_impact\\_employment\\_prospects.pdf](https://fsws.gov.mt/en/fsws/Documents/Research/National%20Reports%20-%20Others/commission_dv_nation-wide_research_study_prevalance_impact_employment_prospects.pdf)

<sup>5</sup> The killing of one's wife. <https://www.merriam-webster.com/dictionary/uxoricide>

<sup>6</sup> Source: <https://timesofmalta.com/articles/view/A-look-back-at-past-cases-of-wife-murders-in-Malta.599104>

<sup>7</sup> Source: <https://www.um.edu.mt/library/oar/handle/123456789/77391>

<sup>8</sup> Source: <https://church.mt/over-800-cases-of-domestic-violence-in-2011/>

<sup>9</sup> Source: [http://crimemalta.com/docs/CrimeMalta\\_Report2020.pdf](http://crimemalta.com/docs/CrimeMalta_Report2020.pdf)

<sup>10</sup> Source: [https://nso.gov.mt/en/News\\_Releases/Documents/2021/07/News2021\\_122.pdf](https://nso.gov.mt/en/News_Releases/Documents/2021/07/News2021_122.pdf)

Merħba Bik, which to this day is a shelter for victims of domestic violence and has helped many women and their children. In 1994, the state-run Domestic Violence Service was set up, with the sole aim of providing victims of domestic violence with social work services.

Even though, over the years, preventive measures have been implemented, these have been sporadic, not long term or consistent. This further highlights the lack of focus on prevention, specifically in terms of policy. The majority of potential preventative measures are generally project based and not policy based, which makes them temporary and not sustainable for the long term. The focus of the authorities since the implementation of the Istanbul Convention has been on awareness-raising campaigns and focusing their efforts on the area of education (GREVIO, 2020). These steps in prevention are essential, however, they are not enough.

Malta's recent policies around violence against women have been broadened to include other forms of violence against women which go beyond domestic violence. It has also adopted a gender-neutral approach to violence against women which focuses on gender-based violence (GREVIO, 2020). This term addresses an array of experiences in relation to violence in intimate relationships which includes violence experienced by men and boys, including individuals from the GBTIQ<sup>11</sup> community (GREVIO, 2020). However, the recent GREVIO report on Malta 2020<sup>12</sup>, highlights the importance of addressing the different forms of violence against women as a "gendered phenomenon", since "[t]hese forms of violence affect women disproportionately and are manifestations of gender-based violence against women, which is violence that is directed against a woman because she is a woman. As such, it should not be considered as abuse experienced individually by women but needs to be understood as a social mechanism to keep women in a subordinate position to men".

As mentioned above, the social understanding of women and men in Malta is conditioned by ingrained patriarchal views, which hinder women's voices and dehumanise their experiences<sup>13</sup>. Unfortunately, if the root cause is not targeted then a concrete strategy to eliminate violence against women and femicide can never truly do its job.

The following sections of this country report will address the national legal background, policies in place for prevention, how reporting is carried out, specific research in the area of femicide, the support system, information on the number of cases for 2019 and 2020 and a detailed analysis on two cases to further understand the issue of femicide in Malta.

### **3. The national legal and policy background**

#### **3.1. The legal framework on gender-based violence and femicide in Malta**

Maltese law does not have a specific legal definition dealing with killing of women due to gender, nor does the law allow for aggravation in punishment when the crime is followed by the death of a woman due to gender. The law however does recognise aggravating circumstances, in certain contexts, where the offence was related to gender, such as in cases which result in grievous bodily harm.

This applies in the following cases:

1. Crimes against the person - These crimes include grievous bodily harm, grievous bodily harm followed by death and slight bodily harm.

Bodily harm is constituted to be grievous if it is caused on a pregnant woman and as a

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<sup>11</sup> GBTIQ - Gay, Bi-Sexual, Transgender, Intersex & Queer

<sup>12</sup> Source: <https://rm.coe.int/grevio-inf-2020-17-malta-final-report-web/1680a06bd2>

<sup>13</sup> Source: <https://timesofmalta.com/articles/view/maltas-femicide-problem.770207>

result of the harm it hastens the delivery. If it causes a miscarriage, then there is an increase in punishment (Art 218 (1) (c)).

Crimes against the person are also aggravated on the basis of gender.

Art 222A. (2) of the Criminal Code reads:

*(2) The punishments established in the foregoing provisions of this sub-title shall also be increased by one to two degrees when the offence is aggravated or motivated on the **grounds of gender**, gender identity, sexual orientation, race, colour, language, national or ethnic origin, citizenship, religion or belief or political or other opinion.*

*(3) An offence is aggravated or motivated on **grounds of gender**, gender identity, sexual orientation, race, colour, language, national or ethnic origin, citizenship, religion or belief or political or other opinion if:*

*(a) at the time of committing the offence, or immediately before or after the commission of the offence, the offender demonstrates towards the victim of the offence hostility, aversion or contempt based on the victim's membership (or presumed membership) of a group, denoting a particular **gender**, gender identity, sexual orientation, race, colour, language, national or ethnic origin, citizenship, religion or belief or political or other opinion; or*

*(b) the offence is motivated, wholly or partly, by hostility, aversion or contempt towards members of a group as referred to in paragraph (a)"*

2. Crimes related to threats, private violence and harassment. These include offences dealing with threats, blackmail, private violence (domestic violence), harassment, stalking, fear of violence.

*251D. (1) The punishments established in the foregoing provisions of this sub-title shall be increased by one to two degrees when the offence is aggravated or motivated on the **grounds of gender**, gender identity, sexual orientation, race, colour, language, national or ethnic origin, citizenship, religion or belief or political or other opinion within the meaning of sub-articles (3) to (6), both inclusive, of article 222A.*

Article 2 of the Gender Based Violence and Domestic Violence Act (2018) defines domestic violence as:

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

The law defines what constitutes a family or domestic unit as:

*(a) current or former spouses, civil union partners or cohabitants;*

*(b) persons living in the same household as the offender or who had lived with the offender within a period of three years preceding the offence;*

*(c) persons whose marriage has been dissolved or declared null;*

*(d) an ascendant or descendant;*

*(e) other adults sharing the same household;*

*(f) persons in an informal relationship, who are or were dating;*

(g) persons who are, or have been, formally or informally engaged with a view to get married or enter into a civil union;

(h) persons who are related to each other either by consanguinity or affinity up to the third degree inclusively;

(i) persons having or having had a child in common;

This same law provides a definition for Gender Based Violence:

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

The criminal code, Chapter 9 of the Laws of Malta, does not have a specific offence of domestic violence but it is found under private violence, which incorporates the elements of domestic violence as defined in Chapter 584, Gender Based Violence and Domestic Violence Act.

Article 251(1) defines private violence as:

*Whosoever shall use violence, including moral and, or, psychological violence, and, or coercion, in order to compel another person to do, suffer or omit anything or to diminish such other person's abilities or to isolate that person, or to restrict access to money, education or employment shall, on conviction, be liable to the punishment laid down in sub-article (1) of the last preceding article.*

Due to the lack of existing guidelines in punishment of perpetrators as well as the lack of a specialised court, the sentencing of domestic violence and intimate partner violence and crimes related to violence against women vary, depending on the discretion of the adjudicator.

Domestic violence is deemed to be a public crime and is prosecuted *ex officio* (Article 543 (e) of the criminal code). The complaint may be filed by the victim or any other person. The police are then obliged to investigate. Upon conclusion of investigation, the police will determine whether there is enough evidence for them to issue charges and prosecute.

Despite the recognition and commitment to investigate cases of domestic abuse and intimate partner violence as *ex officio* crimes, the law still provides for the possibility for the victim to stay proceedings. This is contrary to the commitment required by the Istanbul Convention, more so since it forms an integral part of Maltese national laws. Moreover, given the length of time that court proceedings take, with very little effective protection, it is often noted by organisations supporting and representing victims in court that it is common practice for victims to invoke such stay of proceedings<sup>14</sup>.

Malta does not undertake domestic homicide/femicide reviews.

### **TEMPORARY PROTECTION ORDERS – CRIMINAL CODE<sup>15</sup>**

The Istanbul Convention requires that protection orders are effective and accessible. In Malta, the only protection order that is available to victims is one that is issued by the courts either by means of a temporary protection (Art. 540A, Chapter 9, Laws of Malta), following a risk assessment or a protection order (PO) that is either issued upon arraignment of the perpetrator or within the hearing of the case (Art. 412C, Chapter 9 Laws of Malta). It can also be issued by the Civil Court (Family Sitting) (Art 37 and 39, Chapter 16, Laws of Malta).

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<sup>14</sup> Source: Naudi et. al (2018), pp.90-91 [https://webcache.googleusercontent.com/search?q=cache:9yESLe7m548J:https://ec.europa.eu/justice/grants/results/daphne-toolkit/file/3383/download\\_en%3Ftoken%3DT-Fho LI+&cd=3&hl=en&ct=clnk&gl=mt](https://webcache.googleusercontent.com/search?q=cache:9yESLe7m548J:https://ec.europa.eu/justice/grants/results/daphne-toolkit/file/3383/download_en%3Ftoken%3DT-Fho LI+&cd=3&hl=en&ct=clnk&gl=mt)

<sup>15</sup> Source: <https://justice.gov.mt/en/pcac/Documents/Criminal%20code.pdf>

Article 540A of the Criminal Code highlights the proceedings to be taken by the Executive Police against a person for harming another person, specifically when the case presents evidence of domestic violence and gender-based violence. A trained external professional conducts a risk assessment in order to evaluate the extent of risk the injured person is in, along with any other individuals involved. Once the risk assessment is carried out the alleged offender is taken to court under arrest, and will remain so until they are arraigned in court.

Upon further investigation, the Executive Police can immediately apply to a Magistrate requesting the issue of a TPO, within the timeframe of twelve hours from receipt of the report. There are other factors which are to be in place before a Magistrate issues a TPO. At times, a TPO is requested with urgency and the Magistrate may allow for a request to be received electronically.

*(6) A temporary protection order issued under this article shall remain in force:*

*(a) up to a maximum of thirty days from the issue of the temporary protection order; or*

*(b) until the first sitting against the alleged offender, whichever is the earlier:*

*Provided that the Police shall institute criminal proceedings against the alleged offender by not later than thirty days from the issue of the temporary protection order.*

A TPO can be revoked or extended by the Magistrate who issued the order, however,

*(8) A temporary protection order issued under this article shall lapse upon: (a) the determination that no criminal proceedings shall be instituted against the alleged offender; or (b) the lapse of thirty days from the issue of the temporary protection order; or (c) the hearing of the first sitting against the alleged offender; or (d) the issue of a protection order under article 412C.*

Although not stated in writing, the courts are generally not inclined to issue temporary protection orders (TPO)<sup>16</sup>, arguing that if there is a serious risk, the police are to arrest and arraign. Furthermore, the manner in which risk assessment is conducted and the way in which TPOs are requested, have been constitutionally challenged, although still pending judgment (See Mohammed Abdusalam Moamar v AG et)<sup>17</sup>.

Apart from this, the law dealing with TPOs was also changed shortly after having been introduced, leaving it to the discretion of the investigating officer to determine whether there is apparent serious risk or if the case merits a request for the TPO. Furthermore, a proviso has also been added that the victim is to be offered sheltered accommodation. When parliament was discussing the introduction of TPOs as part of Maltese Legislation, the aim was that the victims continue to reside safely at home, whilst the perpetrator is removed from the same dwelling or prohibited from access to the victim. This amendment has now once again shifted from the original aim and placed the burden upon the victim to choose between her own safety or sheltered accommodation. Moreover, another provision was included that it is only to remain valid for a period of 30 days, unless an extension is requested. This once again puts the onus on the victim to ensure that an extension is requested, however she often has no means to do so, since they are not always legally represented, and/or the police officer files a request for such an extension (GREVIO Shadow Report, 2019)<sup>18</sup>.

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<sup>16</sup> Source: <https://www.independent.com.mt/articles/2020-02-15/local-news/Magistrates-deny-temporary-protection-order-in-some-high-risk-cases-of-domestic-violence-6736219659>

<sup>17</sup> Source: <https://www.independent.com.mt/articles/2019-04-15/local-news/Lawyers-challenge-way-in-which-temporary-protection-orders-are-issued-6736206715>

<sup>18</sup> Source: <https://rm.coe.int/grevio-shadow-report-malta/pdfa/1680990939>

## **PROTECTION ORDER - CRIMINAL CODE<sup>19</sup>**

Article 412C of the Criminal Code explains that when a person has been charged or accused with an offence, for the purposes of the safety of the injured party, a protection order against the accused would be issued. The PO is to be issued within seven days from when the request would have been made. The Court takes into account various factors especially if children are involved and if the risk assessment of the injured party is very high. The Commissioner of Police is informed when a PO is issued, for appropriate action, such as monitoring, to take place. The PO imposes restrictions and prohibitions on the accused.

*(8) Without limiting the nature of the orders which may be made under sub-article (1), a protection order may do all or any of the following:*

*(a) prohibit or restrict the accused from approaching or following the movements of the injured person or any other individual specified in the order; or (b) prohibit or restrict access by the accused, to premises in which the injured person, or any other individual specified in the order, lives, works or frequents even if the accused has a legal interest in those premises; or (c) prohibit the accused from contacting or molesting the injured person or any other individual specified in the order.*

## **CIVIL CODE<sup>20</sup>**

The Civil Code in Maltese Law also allows for protection orders to be issued in specific circumstances related to domestic violence cases. Civil PO are only accessible in family related cases such as in cases of separation or divorce where there are children in common.

Article 37 of the Civil Code explains that the court will proceed with the issuance of a protection order:

*(2) Provided that where domestic violence is involved, the said application shall be appointed within four days and the court may, of its own motion before or after hearing the parties, issue a protection order under article 412C of the Criminal Code and, or a treatment order under article 412D of the same Code and the provisions of those articles shall mutatis mutandis apply to an order issued under this article as if it were an order issued under the corresponding article of the said Code.*

*(3) The court shall summarily hear the applicant and the respondent and shall then, by decree, decide on the demand.*

*(5) The decree referred to in sub-article (3) shall cease to be enforceable if the action for separation is not instituted within two months of the date of the decree or within such longer period as the court may in the same or in a subsequent decree allow.*

*(7) The decree and the order mentioned in this article may be only reviewed, altered or revoked upon an application made by the party seeking such review, alteration or revocation.*

*(9) The provisions of this article shall also apply in cases relating to maintenance, access, and, or care and custody of children, even when the parents are not married.*

Making a request for a PO to the Civil Court is only possible in those instances that are permitted by law, those being either when the victim and perpetrator are married or in a civil partnership, or if they have children in common.

If the victim does not satisfy any of the above, then she is constrained to file a police report and it would be the prerogative of the court to decide whether to issue a PO.

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<sup>19</sup> Source: <https://justice.gov.mt/en/pcac/Documents/Criminal%20code.pdf>

<sup>20</sup> Source: <https://legislation.mt/eli/cap/16/eng/pdf>

### 3.2. Former and current policies to prevent gender-based violence and femicide in Malta

Malta does not have a specific law dealing with prevention of Gender Based Violence, however Article 22 of the Gender Based Violence and Domestic Violence law, Chapter 581 of the Laws of Malta states that the Istanbul Convention is enforceable as part of this law.

Therefore, since prevention is an integral part of the Istanbul Convention, in theory it is covered in the law.

Malta had a Gender-Based Violence and Domestic Violence Strategy & Action Plan - Vision for 2018 till 2020. The Strategy plan focused on Legal and Policy Measures, Data Collection Research and Training, Awareness Raising and Protection and Support for victims and children. Each action indicated who were the responsible entities. A second strategy was launched in June 2021 covering the years 2021 to 2022 with a strong focus on increasing awareness and working to streamline policies for a quicker turnaround on prosecutions. The strategy lays out avenues where further research into domestic violence is planned to secure that current policies are safeguarding victims and not preventing them from coming forward; expanding services available to the victims and increasing training and efficiency when it comes to the investigation and prosecution of such cases<sup>21</sup>.

In its baseline evaluation report on Malta issued in 2020<sup>22</sup>, GREVIO noted that the Strategy plan needed to better address intersectional discrimination, including carrying out studies on the incidence of violence against women with disabilities, women in prostitution and migrant/asylum seeking women. It also recommends that specific measures are included in policies to prevent, protect and prosecute violence against women who are subject to multiple discrimination.

The Domestic Abuse Intervention Programme (DAIP) managed by STOP! The Violence and Abuse Service of Aġenzija Appoġġ (State Social Work Agency), targets both male and female perpetrators. Statistics provided to GREVIO<sup>23</sup> show that there were 107 and 119 men that registered for the programme in 2017 and 2018 respectively. The aim of the programme is to assist perpetrators to become aware of, understand and take responsibility for their actions and behaviour. They also offer a support group for users of the service, either before they start the programme, or after having completed it.

The Criminal Courts may issue treatment orders under Art 412 D, Chapter 9, Laws of Malta, where courts may order perpetrators to attend programmes. This can also be issued by the civil courts in those instances where it deems appropriate. However, as was noted by data provided to GREVIO<sup>24</sup> and recommendations issued by GREVIO<sup>25</sup>, this is not being done by the court.

GREVIO encouraged 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,*

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<sup>21</sup> Source: [https://stopviolence.gov.mt/en/Documents/Docs/20524%20-%20Second%20Strategy%20\(another%20duplicate\).pdf](https://stopviolence.gov.mt/en/Documents/Docs/20524%20-%20Second%20Strategy%20(another%20duplicate).pdf)

<sup>22</sup> Source: <https://rm.coe.int/grevio-inf-2020-17-malta-final-report-web/1680a06bd2>

<sup>23</sup> Source: GREVIO State Report p.97. <https://rm.coe.int/malta-state-report/168097329e>

<sup>24</sup> Source: GREVIO State Report. <https://rm.coe.int/malta-state-report/168097329e>

<sup>25</sup> Source: GREVIO Baseline Report pp.73-84. <https://rm.coe.int/grevio-inf-2020-17-malta-final-report-web/1680a06bd2>



among other aspects, the risk of reoffending, in order to ensure higher levels of safety and protection for victims.’

### 3.3. Official reporting on VAW and femicides in the country and institutional protocols

Official statistics from the police would include all homicides and can be gender segregated. Hence, if statistics for femicides are requested from the Police, what they give are all homicides involving female victims.

The official reporting procedure for cases of DV include risk assessments which are mandatory by law. Whenever a report is received by the specialised police unit (Domestic Violence Unit), they call upon professionals from Aġenzija Appoġġ to conduct a risk assessment. Although not written in the law, this can be waived by the complainant. The tool which has been used for risk assessment is the international tool DASH. The DASH tool is used by Aġenzija Appoġġ not only in cases where they are called in by the Police but also within their own structure. They also discuss internally and explore the situation beyond the ‘score’ to ensure the risk level reflects the situation. However, training is now being given for another risk assessment tool called SARA, Spousal Abuse Risk Assessment, and this tool will be used as a replacement to DASH.

SOAR, a survivor led NGO offering support for survivors of IPV, also carry out risk assessments, using DASH, with their new service users, and support them to report to the state social work service (Aġenzija Appoġġ) and/or the police as necessary.

The Commission on Gender Based Violence and Domestic Violence has run various awareness raising campaigns, mainly as part of EU Funded projects, to encourage victims to report incidents of DV.

Both Aġenzija Appoġġ, specifically the Domestic Violence Services, and the Malta Police Force issue yearly numbers related to domestic violence. The data for both years, 2019 and 2020, from both the entities are presented below:

<b><u>AĠENZIJA APPOĠĠ -</u></b>	<b><u>2019</u></b>	<b><u>2020</u></b>
<b><u>DOMESTIC VIOLENCE UNIT</u></b>		
Total cases:	1324	2321
Individuals:	1300	2220
<b><u>GĦABEX SHELTER</u></b>		
Total cases:	37	41
Individuals:	36	39

<b><u>THE MALTA POLICE FORCE</u></b>	<b><u>2019</u></b>	<b><u>2020</u></b>
Total cases:	1326	1645

In terms of institutional protocols, there is one protocol that is currently publicly available that regulates procedures between the Malta Police Force, Legal Aid Agency and Aġenzija Appoġġ in cases of domestic violence, dated September 2020<sup>26</sup>.

A Memorandum of Understanding (MOU) was signed between Primary Health Care and Aġenzija Appoġġ, however, this MOU was stopped shortly after its coming into force. The reason for this is not clear<sup>27</sup>. Despite this, sources at Aġenzija Appoġġ have confirmed that they still receive referrals from Primary Health Care.

The Directorate for Educational Services has also signed an MOU with the Foundation for Social Welfare Services (FSWS) to regulate how children involved in domestic violence will be supported and protected.

In its baseline report on Malta GREVIO noted that there is a lack of policies and protocols regarding all forms of violence against women.

### 3.4. Research on femicides in Malta

In 2015, Malta's chief pathologist issued a statement highlighting that in the 5-year period up to 2015, 25% of all homicide victims were victims of femicide by a partner or ex-partner<sup>28</sup>.

In 2016 a study by a Bachelor's in Criminology student looked into femicide risk factors in Malta<sup>29</sup>. The study found that controlling behaviour, jealousy, estrangement, and the end of a relationship are the most common risk factors for intimate femicide. It also found that participants in this research study (who were professionals working in the field) agreed that courtroom attitudes towards domestic violence were greatly inconsistent with the national prevention policy of the time.

Although not on femicide, but on violence against women, the Commission on Domestic Violence had conducted a "Nationwide research on the prevalence of domestic violence against women in Malta and its impact on their employment prospects" (2011)<sup>30</sup>. This is the only national prevalence study ever held.

The research concluded that:

#### A. Prevalence of Domestic Violence:

- 6.5% (78) of 1,200 respondents indicated that they had been beaten or physically mistreated since the age of 15 years. 20.5% (16) pointed out a boyfriend and 9% (7) a stranger, as the person who committed the physically abusive behaviour.
- 4% (49) of 1,200 respondents indicated that they have been forced to have sex or to perform a sexual act when they did not want to, since the age of 15 years. The boyfriend was the person who was most identified as the perpetrator by 49% (24) of the 49 respondents.
- 6.4% (77) of 1,200 respondents indicated that they have been touched sexually or made to do something sexual that they did not want to before the age of 15 years. 23% (18) of 77 respondents identified the boyfriend as the person who committed this act.

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<sup>26</sup> Source: <https://justice.gov.mt/en/legalaidmalta/Documents/Standard%20Operating%20Procedures%20for%20Victims%20of%20Domestic%20Violence%20Services.pdf>

<sup>27</sup> Source: GREVIO Shadow Report Malta pg 17. <https://rm.coe.int/grevio-shadow-report-malta/pdfa/1680990939>

<sup>28</sup> Source: <https://timesofmalta.com/articles/view/fourth-of-murders-related-to-domestic-violence.593514?>

<sup>29</sup> Source: <https://www.um.edu.mt/library/oar/handle/123456789/19132>

<sup>30</sup> Source: [https://fsws.gov.mt/en/fsws/Documents/Research/National%20Reports%20-%20Others/commission\\_dv\\_nationwide\\_research\\_study\\_prevalance\\_impact\\_employment\\_prospects.pdf](https://fsws.gov.mt/en/fsws/Documents/Research/National%20Reports%20-%20Others/commission_dv_nationwide_research_study_prevalance_impact_employment_prospects.pdf)

## B. DV by current or former partner:

- 23% (266) of 1,154 ever-partnered women experienced one or more of the emotionally abusive behaviours measured in the survey. It emerged that 51.5% (137) of 266 women who ever experienced different acts of emotional violence by husband/partner, were currently experiencing this abuse.
- 12% (140) of 1,154 ever-partnered women experienced one or more of the abusive behaviours related to physical violence measured in the survey. 33% (46) of 140 women ever experiencing different acts of physical violence by husband/partner were currently experiencing this abuse.
- 9% (109) of 1,154 ever-partnered women experienced one or more of the sexually abusive behaviours measured in the survey. 32% (35) of the 109 women who had ever experienced different acts of sexual violence by husband/partner were currently experiencing this abuse.
- Research findings revealed that 26.5% (306) of 1,154 ever-partnered women, experienced one or more acts of emotional, physical or sexual violence by a current or former partner at some point in their lives. 16% (182) experienced an act/s of physical or sexual violence, or both.
- It transpires that 52% (158) of the 306 respondents who had ever experienced domestic violence, reported that at least one act of emotional, physical, or sexual violence took place during the 12 months prior to the interview.

Although not specifically related to prevalence, FRA's Crime Safety & Victim's rights 2021 shows that only 34% would report incidents of domestic violence<sup>31</sup>. FRA Violence against women survey 2014 shows that 32% of all women in Malta experienced physical and/or sexual violence by current or ex-partner. It also shows that 22% experienced some form of psychological violence by current partner and 59% by ex-partner<sup>32</sup>.

There have been no scientific studies on the prevalence of domestic violence during the COVID-19 pandemic, however, it was reported that there was an increase in reporting on domestic violence during the pandemic with between 80 to 90% of the reporting being made by women<sup>33</sup>.

From data collected by the NGO, the Women's Rights Foundation on reported cases of domestic violence between January to December 2020, the following was found:

### Malta Police Force

In 2020<sup>34</sup>, 1645 cases of domestic violence were reported, all being women, indicating an increase of around 24% of domestic violence reported cases from the year 2019.

### Shelters

Emergency shelters reported a slight decrease in the number of families (women and children) being admitted to the shelter particularly during the onset of the lock down period in March 2020.

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<sup>31</sup> Source: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-crime-safety-victims-rights\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-crime-safety-victims-rights_en.pdf)

<sup>32</sup> Source: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf)

<sup>33</sup> Source: [https://www.maltatoday.com.mt/news/national/108057/covid19\\_women\\_bore\\_a\\_disproportionate\\_burden\\_of\\_economic\\_and\\_social\\_cost#.YN8FdukzY\\_W](https://www.maltatoday.com.mt/news/national/108057/covid19_women_bore_a_disproportionate_burden_of_economic_and_social_cost#.YN8FdukzY_W)

<sup>34</sup> Source: CrimeMalta Observatory Annual Crime Review Year 2020 p.2. [http://crimemalta.com/docs/CrimeMalta\\_Report2020.pdf](http://crimemalta.com/docs/CrimeMalta_Report2020.pdf)

### 3.5. The support and intervention system in Malta

Malta has various support and intervention systems in place run by both State and NGOs. These include helplines, counselling and social work support agencies, and residential services, with the latter also offering ongoing support and aftercare for the women and children who use their services.

#### a) Helplines

##### Support line 179

Malta has one generic support line offered at national level. The line offers information about social welfare services and agencies and also refers callers that require support to other services. It is run by professionally trained volunteers and employed professionals. Calls often deal with child abuse, domestic violence, and other forms of abuse.

The helpline runs 24/7 and has been operational since the 1990s. The number of calls dealt with in 2019 is 19,043; and in 2020 is 19,237.

##### **Supportline 179**

Note<sup>14</sup>



The support line does not meet the requirements of the Istanbul Convention since it is not a specific support line dedicated only to the forms of violence as covered by the Convention. This was also noted by GREVIO in its baseline report on Malta where it strongly recommended that Malta sets up a state round the clock helpline dedicated specifically to all forms of violence against women.

##### Violet Support Online

Run by an NGO, Victim Support Malta, this helpline was project based and offered anonymous and confidential support to survivors of gender-based violence for 2 years (2019/2020). The service was available via telephone on a 24/7 basis in Maltese and English and on allocated days and times for French, Italian and Serbian speakers. It also included a chat online. Unfortunately, this service is no longer running, and anyone who contacts them is referred to Supportline 179 (see above).

##### Women's Rights Foundation Helpline

The helpline was set up during the COVID-19 pandemic, in April 2020, after the NGO had to close its doors to its service users. The helpline offers legal support to survivors of domestic violence, IPV, violence against women, and gender discrimination. It is available 24/7 and available in Maltese, English, Arabic, French, Tigrinya and Somali. Up to March 2021, 482 service users were assisted. The majority of the calls received dealt with intimate partner violence and domestic abuse. The helpline is on a no cost basis for the service users. Running costs for the helpline are covered by the NGO that relies on donations and is part funded by a project supporting migrant survivors of GBV.

## b) Counselling social work/support centres

National social work support is run by the state Foundation for Social Welfare Services (FSWS). They have 11 community centres in Malta and 2 in Gozo (13 in total) which offer general social work services to the community, including those related to domestic violence. Where necessary, service users are referred to their centralised Domestic Violence Unit (DVU). The DVU service is made up of a team of professional social workers, who provide specialised social work support to victims of domestic violence and their children. It aims at supporting victims at the time of crises by providing them with immediate assistance to meet their immediate needs, helping them develop a safety plan, as well as providing ongoing longer-term support.

Victim Support Unit – the Unit forms part of the national police service and reaches out to victims that filed criminal reports. They provide them with information about their rights as victims and of other existing services that offer support. The unit offers crisis intervention, such as in situations of sexual abuse, homicide and serious incidents. It also informs victims when the perpetrators are due to be released from prison. As of May 2021, the unit became part of the Victim Support Agency as a multidisciplinary team together with probation and parole.

Victim Support Malta is an NGO that offers support and therapy for all victims of crime, including survivors of domestic abuse and intimate partner violence. As part of their therapeutic support they also run a programme called SPOT for persons who have suicidal thoughts and another called 'Care for Victims of Sexual Assault' that includes legal and psychosocial support for victims of rape and sexual abuse.

The various residential services (see below) also offer counselling and social work support to their residents, including aftercare.

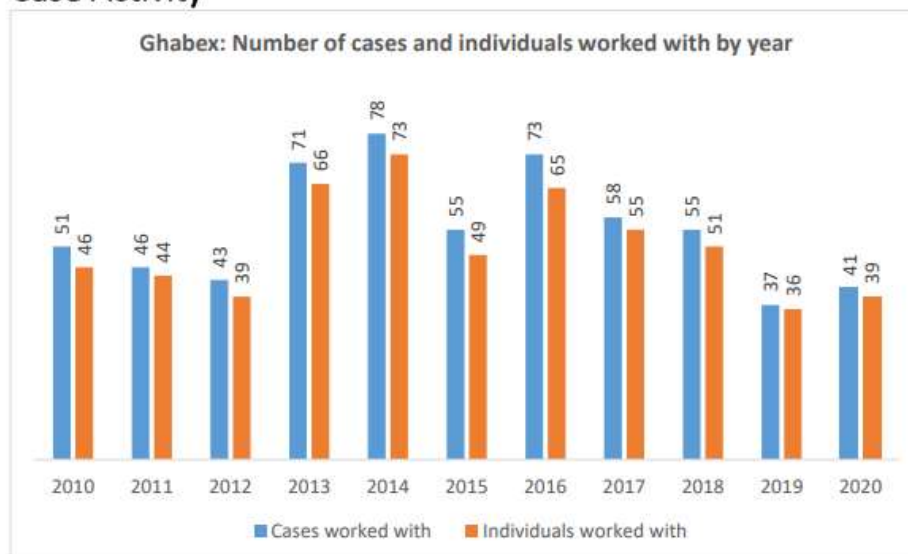
## c) Residential Services

### State run Shelter

The state has 1 emergency shelter run by FSWS with a capacity of 14 persons, including survivors of domestic violence, trafficked persons, as well as their children.

## Ghabex Shelter

### Case Activity<sup>6</sup>



NGO run shelters 2021:

- ◆ 1 emergency shelter accommodating 14 families with a total of 42 beds (Dar Merħba Bik – personal communication)
- ◆ 1 second stage shelter accommodating 3 families with a total of 9 beds (Dar Santa Bakita – personal communication)
- ◆ 1 second stage shelter accommodating 12 families, providing 12 independent flats with 36 beds (Dar il-Milja – personal communication) and a further 3 semi-independent flats with a total of a further 12 beds
- ◆ 2 shelters for the homeless providing 48 beds in total. Although the shelter is primarily for homeless, it also is accessed by survivors of domestic abuse especially in cases where sheltered accommodation is at maximum capacity (YMCA – personal communication)
- ◆ Another homeless women’s shelter providing 15 beds for homeless women and their children, including survivors of domestic abuse, especially in cases where sheltered accommodation is at maximum capacity (Dar Tereza Spinelli)

### 3.6. Multiprofessional networks on preventing gender-based violence and femicides

A specialised police unit was set up on the 1<sup>st</sup> October 2020. All DV/GBV reports filed at district level are referred to the specialised unit that would investigate the case. As mentioned above, upon receipt of the report, the police ask for the intervention of risk assessors, where they think this is necessary, in order for a risk assessment to be carried out on the person/s reporting. The risk assessment is carried out by the risk assessment team within FSWS.

As mentioned above, a Standard Operations Procedure (SOP) has been signed between the police, legal aid Malta (Ministry of Justice) and Aġenzija Appoġġ (national state social work support) to support victims of domestic abuse. The legal aid Agency has 3 assigned lawyers that are available to provide free advice to victims of domestic abuse following a police report. The service is a one off legal advice to address any legal concerns that victims may have. Victims are also provided with a lawyer if they request assistance for criminal proceedings.

As also mentioned above, the Commission on Gender Based Violence and Domestic Violence (CGBDV) issued a new strategy covering 2021-2022, which was launched in June 2021. The strategy envisages multi-disciplinary cooperation and coordination among various entities, including civil society.

### 3.7. Femicide and VAW in the media

No studies were found related to media portrayals of VAW or femicide. However, in 2017, the Commission on Domestic violence, in collaboration with the Malta Broadcasting Authority published Guidelines for Journalists and Media Content Producers, on reporting domestic violence<sup>35</sup>.

### 3.8. Gender values and gender (in)equality in Malta

According to the EIGE Gender Equality Index 2019 Malta scores at 63.4%, scoring highest in

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<sup>35</sup> Source: <https://stopviolence.gov.mt/en/Documents/Docs/Reporting%20Domestic%20Violence%20-%20consultation%20document.pdf>

health and lowest in the domain of power<sup>36</sup>.

Malta's progress on the gender index is rather slow. In 2019, Malta ranked 15 in the Gender Equality Index as published by EIGE<sup>37</sup>, scoring 62.5: 'Malta's scores are higher than the EU's scores in all domains, except the time and power domains. In the power domain, Malta's score is the lowest (32.2 points) of all. Malta's score is highest in the domain of health (92.1 points), which places it in the top three in the EU. Since 2005, Malta's scores have improved the most in the domains of work (+ 12.5 points) and money (+ 12.2 points). Progress has been slower in the domains of health (+ 1.4 points), knowledge and time (+ 3.4 points)' (EIGE 2019).

The EIGE Gender Equality Index 2019<sup>38</sup> on Malta states that 'Women take on more responsibilities in family care: 42% of women care for and educate their family members for at least one hour per day, compared to 25% of men. Among women and men in couples with children, women are much more involved in daily care activities (85%) than men (58%). Around 81% of women do cooking and housework every day for at least one hour, compared to only 37% of men. Women still carry most of the caring and educational needs of the children' (EIGE 2019).

Malta continues to have a predominantly patriarchal society which can be seen in social attitudes, gender roles and male dominant discourse. The UN CEDAW report on the Elimination of Discrimination Against Women (2010) on Malta<sup>39</sup> found that stereotypes are prevalent in the Maltese mentality. It noted persistent patriarchal attitudes and stereotypes regarding women and men in the role of the family and society. A more recent study regarding barriers that women survivors of gender-based violence face to access help and assistance, found that Malta continues to hold patriarchal values and attitudes that are hindering women in accessing support (Naudi et al, 2018).

Women are still relatively financially constrained (Naudi et al, 2018), even though they may have their own independent income, since their earnings tend to go towards the daily needs of the family, leaving them disproportionately in a financially disadvantaged position.

Considering that divorce was introduced in Malta as late as 2011, the concept of family is still highly valued within Maltese society. Notwithstanding the presence of violence within a family setting, it is not unusual to hear women say that they will continue to live with abuse, for the wellbeing of the children, in order for them to be raised within a family setting.

In a survey conducted towards the end of 2020 by the Faculty for Social Wellbeing, University of Malta, it was found that a third of the people in Malta believe that a woman's duty is to take care of the home and family, whilst the man's duty is to earn money (as reported in Calleja, 2020).

Naudi et al (2018), in their study on barriers to reporting, state: 'The findings show that restrictive codes of femininity continue to regulate women's behaviour. [...] Survivors participating in this study strongly experienced shame due to the resounding social and cultural expectation that women should remain with their male-partners at all costs and keep the family together (Survivors' Focus Group7 01; Interview with Survivor8 03). Women/mothers believe it is their sacrosanct duty to preserve family unity and maintain the presence of the father within the family unit'.

As can be seen from the above, the primacy of the family in Maltese society still holds great sway, and the women's role within that is to keep the family well cared for, safe and together. This is reflected in the country's institutions, including the police and the law courts, among others.

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<sup>36</sup> Source: <https://eige.europa.eu/gender-equality-index/2020/MT>

<sup>37</sup> Source: <https://eige.europa.eu/publications/gender-equality-index-2019-malta>

<sup>38</sup> Source: <https://eige.europa.eu/publications/gender-equality-index-2019-malta>

<sup>39</sup> Source: <https://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-MLT-CO-4.pdf>

Despite having some of the worst forms of violence as found in the Fundamental Rights Agency (FRA 2014) research, 1 in 5 still believe that women exaggerate or make up claims or blame women for provoking violence (Special Eurobarometer 449, 2016)<sup>40</sup>.

Sexualised violence continues to be under reported with 85% of Maltese unlikely to report sexual assault and rape (Martin, 2017).

Violence against women has not decreased in the last decade but it is becoming more visible. This can be attested to by the number of reports filed by women in the last couple of years. The Eurobarometer (2016) showed that women in Malta suffer the worst forms of violence.

In a recent survey conducted by FRA, Crime, Safety and Victims' Rights (2020)<sup>41</sup>, Malta reported a low rate of under 5% for physical violence. However, as the report on the survey has indicated, the results of the survey should not be considered as a reflection of women's experience of violence, since it did not include a number of measures which would address violence against women more specifically.

As mentioned above, Malta ratified the Istanbul Convention in 2014, and implemented it in May 2018. The legislative changes introduced strengthened the definition of domestic violence and adopted the definition of rape as found in the convention. Legislative amendments were made to different codes of law and a specific offence of domestic violence is now found in the Criminal Code.

In the last few years, two studies have been commissioned, 'Full Cooperation: Zero Violence Barriers to Help-Seeking in Gender-Based Violence Against Women: A Research Study', Naudi, Clarke and Saliba (2018) and 'Research Study: Violence in the Lives of Homeless Women', Bezzina and Suarez (2019); both have highlighted recurring perceptions and complaints of both professionals working in the area and the survivors themselves. These include among others: the survivors' financial difficulties (e.g. maintaining employment in the face of multiple court sittings, and deferrals); poor inter-agency collaboration; the lack of specialised services; feelings of shame, shock, fear and confusion which seem to block survivors from seeking help.

Preventive measures have also been implemented sporadically and not in a consistent manner and with no long-term vision. Most efforts are project based, for a temporary period and there appears to be no plan for a sustainable long-term effort.

### 3.9. Impact of COVID-19 on legislation, service provision, measures and prevalence of femicide

- A position paper on the effect of COVID-19 was issued in June 2020 by the Consultative Council for Women's Rights, highlighting how women were disproportionately affected by the pandemic<sup>42</sup>.
- Another more recent research was conducted by the National Commission for the Promotion of Equality looking into the distribution of work within the household during the pandemic<sup>43</sup>.
- No specific legislation was adopted.
- No measures were adopted in relation to femicide, however measures in relation to domestic violence were adopted. Information cards providing contact numbers of services related to

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<sup>40</sup> Source: [https://data.europa.eu/data/datasets/s2115\\_85\\_3\\_449\\_eng?locale=en](https://data.europa.eu/data/datasets/s2115_85_3_449_eng?locale=en)

<sup>41</sup> Source: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-crime-safety-victims-rights\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-crime-safety-victims-rights_en.pdf)

<sup>42</sup> Source: <https://justice.gov.mt/en/Documents/CCWR%20Position%20Paper%20on%20Women%20and%20COVID%2019%20June.pdf>

<sup>43</sup> Source: [https://ncpe.gov.mt/en/Documents/Our\\_Publications\\_and\\_Resources/Research/The\\_COVID\\_19\\_pandemic\\_Research\\_on\\_the\\_distribution\\_of\\_work\\_in\\_households.pdf](https://ncpe.gov.mt/en/Documents/Our_Publications_and_Resources/Research/The_COVID_19_pandemic_Research_on_the_distribution_of_work_in_households.pdf)



domestic violence were distributed to pharmacies, rent subsidies were offered to those who needed to leave home due to domestic violence and the platform against homelessness was launched that put in place a procedure for temporary accommodation, swabbing, and transport for those that faced homelessness. Once people received a negative test they were housed in the homeless shelters or domestic violence shelters as appropriate. One of the DV emergency shelters designated an area for new residents, until they were cleared by a negative Covid test, so they did not have to go to temporary accommodation beforehand.

- According to the Malta Crime Report 2020<sup>44</sup>, the rate of reporting for domestic violence has increased by 24% when compared to the year 2019 (1,326 to 1,645). ‘This massive 24% (319 cases) increase over the previous year reflects the vulnerability of victims’ situations exacerbated by a pandemic that served to doubly victimise vulnerable persons. It is to be noted that of 319 cases, 316 related to Psychological Harm’ (Malta Crime Report, 2020, p.2).

## **4. The prevalence of femicide in Malta**

### **4.1. Data sources and methods of data collection**

#### **4.1.1. Data Sources on the extent of femicide in Malta**

The Malta Police Force (MPF) collects statistics and provides data on reports related to domestic violence. These cases would have been reported to the MPF and registered in the National Police System (NPS) database. All individuals in DV cases, including children, are recorded separately. The data recorded would have been registered previously in the NPS which also captures the Police Incident Reporting System (PIRS). This latter system is found in all police districts and stations across Malta and Gozo. The system records a case according to the main crime category of the report being made. Data from the MPF is provided (to members of the public including researchers, journalists, etc.) upon request and the data is passed on according to what was requested. No other additional data will be given. Information on femicides can be requested and obtained in this manner.

Specific data on domestic violence and femicide is also collected by the NGO, the Women's Rights Foundation, whilst data on domestic violence is also collected by the National Statistic Office<sup>45</sup>. The recent data release from NSO for domestic violence cases between 2016 and 2019 was issued in April 2021.

For this project, in Malta and the other contributing partners of FEM-UNITED, a systematic quantitative data collection on femicides was conducted, building on the knowledge and tools of the European Observatory on Femicide (EOF). Online media were used to identify and collect information on the cases, including all available information from the media, the police press releases, the justice system and NGOs who represented the victims in criminal proceedings. Like in the other countries of the project, all available information on the cases was collected and filled into the data collection tool (excel sheet) in the first step of the investigation. After some months, in a second and third step, additional investigations were conducted in order to check if any further information on the prosecution and/or outcomes of the trials were made available. If this was the case, further information was filled into the data files. Finally, the number of cases in the files were compared with the number of cases in the police statistics to check the discrepancies between both sources.

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<sup>44</sup> Source: <http://www.crimemalta.com/annual.html>

<sup>45</sup> Source: [www.nso.gov.mt/en/News\\_Releases/Documents/2021/04/News2021\\_073.pdf](http://www.nso.gov.mt/en/News_Releases/Documents/2021/04/News2021_073.pdf)

Malta only had a few cases between 2019 and 2020, which resulted in 2 cases with 3 victims, and thus, the procedure was simpler in terms of data collection compared to other partner countries.

#### 4.1.2. Experiences with the use of the EOF data collection tool

The EOF data collection tool was easy to use and overall satisfactory, however, in some cases not all data could be inputted related to the specific context of Malta as the form did not allow for this.

Since Malta is a small country and its areas are mainly classified as towns or villages, the option of 'area of femicide' lacked a choice to choose 'town or village'. Thus, this hindered accurate results and the reality for Malta could not be fully recorded. Space to fully explain the replies given would have been ideal in order to explain the specific contexts of the cases.

Overall, the experience with the tool was satisfactory.

## 4.2. Extent of the problem and further information on cases

### 4.2.1. Extent of femicide (annual cases) on the basis of official statistics

The number of cases for Malta is small and between 2016 and 2020 there was a total of 7 cases, with 9 victims.

There was one perpetrator for each femicide, with two perpetrators killing two victims each. Five cases were related to intimate partner violence as the victims were killed by a partner or husband whether they were current or former, the latest IPV femicide being in 2020. In 2018, two victims were killed by a relative, relation being son and nephew, whilst in 2019, two victims were also killed by a relative, relation being son and brother.

Seven of the victims were murdered in private spaces, such as their bedrooms or garages, whilst 1 victim was murdered in a public space and another victim was stabbed in a public space, dying later on in hospital.

Between 2019 and 2020, there were 2 cases with 3 victims. In 2019 the 2 victims were killed by a relative, whilst in 2020 the victim was killed by a former partner. The 2020 femicide relates to intimate partner violence.

### 4.2.2. Information on the extent from studies or NGOs

Cutajar in her 2020<sup>46</sup> criminology dissertation looked at how domestic femicide occurs in Malta, and found a clear connection between domestic violence and its links to the femicide cases in that for most of the cases, there was some form of domestic violence prior to the killing. Participants of the study, which included police, highlighted that Malta has a problem with underreporting of domestic violence cases and that the system fails victims in the mild sentencing of perpetrators, and thus harsher sentencing should be put in place. Apart from the underreporting, the study found that no proper background assessments are carried out on the perpetrator or why such behaviours keep occurring in relation to domestic violence. She concludes by stating that "[w]ithout identifying the risk factors in a relationship, which are knowledgeable through a proper risk assessment, one cannot take measures to prevent femicide from happening" (Cutajar, 2020).

The first scientific-based data and case collection including all cases annually, where women had been killed, was implemented by national researchers of the European Observatory on

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<sup>46</sup> Source: <https://www.um.edu.mt/library/oar/handle/123456789/77391>

Femicide (EOF) in 2018 (headed by Marceline Naudi). The reviews of the European Observatory on Femicide include all killings of women. In-depth information on the cases is collected in a way that also makes international comparison possible.

**4.2.3. Extent on the basis of the EOF data collection (+ rate of IPF)**

The Maltese data collection tool within this project contains **2 cases of women being killed**:

- 2 women were killed in 2019 (one case)
- 1 woman was killed in 2020

The **annual population based rate** for 2019 was **0,38<sup>47</sup>** cases per 100.000 inhabitants for 2019 and **0,19<sup>48</sup>** cases per 100.000 inhabitants for 2020.

Case-Base: Women killed in Malta in 2019 and 2020:

Year / Women killed	All women killed (age 16+)	Rate per 100.000 inhabitants	All women killed by family member (including partners)	All women killed by partners
2019	2	0,38	2	/
2020	1	0,19	1	1
2019 + 2020	3	0,29	3	1

**4.2.4. Victim-perpetrator-relationship and types of killings**

In 2019, 2 women were killed by a family member, whilst 1 woman had been killed by a current or former intimate partner in 2020.

The killings were carried out exclusively by male family members. In the 2019 case, the male perpetrator’s relationship to the women killed was that of a son and brother, whilst in 2020, the male perpetrator’s relationship to the woman killed was that of a former intimate partner.

All types of femicides have clear gender dimensions concerning the perpetrators’ gender. The intentions are clearly embedded in patriarchal contexts of power and control of women and the gender stereotyping still prevalent in society.

<sup>47</sup> Due to the low case basis of women killed, the rate has to be used with caution.

<sup>48</sup> Due to the low case basis of women killed, the rate has to be used with caution.

## 5. Background information on the cases

### 5.1. Background information on the victims

The 2019 femicides were considered as one case, with two victims killed by the same perpetrator, with a mother and her daughter being killed by their son/brother.

The 2020 femicide was one case and it had no additional victims killed.

In 2019, the femicides were categorised as 'other femicide' since it was a family member who killed both women and in 2020, the femicide was categorised as 'IPF in context of (planned) separation'.

#### 5.1.1. Age of women killed

The women who were killed were of different ages, but with 2 falling within the same age bracket (26-34). The victim of IPF (2020) was 34 years-old, whilst the victims killed by a family member (2019) were 70 and 29 years-old.

#### 5.1.2. Further characteristics of the victims

- 2 of the women were unemployed, whilst 1 was in employment.
- All women were Maltese.
- None had a disability.
- 1 woman was married, whilst the other 2 were not.
- The 70 year-old was married and unemployed, the 34 year-old was unmarried and unemployed, whilst the 29 year-old was unmarried and employed.
- The 34 year-old left her former partner (perpetrator) 9 months prior to the killing, whilst the 70 year-old and the 29 year-old had an unstable relationship with the son/brother (perpetrator).
- The 70 year-old woman was killed by her own son, whilst the 29 year-old was killed by her own brother.
- The 34 year-old was killed by her former partner and father of her children, thus, this femicide was classified as IPF.

## 5.2. Characteristics of the perpetrators

### 5.2.1. Number of perpetrators

For the 2019 femicides, 1 perpetrator was identified and same goes for the 2020 femicide. Therefore, the total was 2 perpetrators.

### 5.2.2. Gender of the perpetrators

The killing of women is clearly gendered in relation to both victims and perpetrators. For each femicide, the gender was known. The perpetrators were both male.

### 5.2.3. Age of the perpetrators

One of the perpetrators was 39 (36-45), whilst the other perpetrator was 33 (26-35).

#### 5.2.4. Other characteristics of the perpetrators

- Both men were employed.
- The 39 year-old man was employed with a florist, whilst the 33 year-old man was self-employed.
- Both men were Maltese.
- None had a disability.
- Both men were not married.
- No men had reported mental health problems.
- The 33 year-old had known prior violent crimes towards the victim and had also stalked her on several occasions.
- The 39 year-old killed his mother and sister, whilst the 33 year-old killed his former partner, thus, the femicide was classified as IPF.

#### 5.3. Further background information on cases of intimate partner femicides

- a) 1 woman was killed by a former partner in the context of separation. The victim and perpetrator were not married but had initially ended their relationship a few years before the murder, but the perpetrator refused to accept this.
- b) Area / location of femicides: The femicide took place in a village outside of an establishment.
- c) Method of killing: Stabbing in the temple.
- d) Witnesses: A man driving in his car witnessed the stabbing, whilst people walking in the vicinity found the victim on the floor with the knife in her temple.
- e) Pregnancy of the victim: The victim was not pregnant
- f) Prior domestic violence was known to the police.
- g) Additional Victims: No
- h) Prior Stalking: Yes
- i) Prior threats to kill the woman were known. The perpetrator claimed that if he cannot have her then no one will and had threatened to kill her.
- j) No Other situational factors were known.

#### 5.4. Institutional knowledge in advance of the killings and institutional reactions

##### 5.4.1. Prior case knowledge

The analyses for the femicides of 2019, carried out by the same perpetrator, indicated that it was not known whether prior violence or threat was reported to the police, whether previous convictions of assault by the perpetrator were reported, whether the case of family history was known to any support system and whether the case was known to others in the regard of the 70 year-old woman who was the perpetrator's mother. In the case of the 29 year-old woman, who was the perpetrator's sister, it was known to others that the victim had disclosed sexual abuse committed by the perpetrator in the past to family members. The father of the perpetrator is serving a jail sentence for a double homicide, and thus, the family as a whole were known to the police.

The media’s initial reporting of the 2019 femicide shows the killings as being shocking and horrifying. In one news article, the perpetrator was deemed to be the same as his father who was serving a prison sentence for a double homicide, ‘Nearly two decades later, and Paul’s son Joseph has now been accused of double murder, just like his father’ (Cilia, R, 2019)<sup>49</sup>. Other articles in various newspapers reported how the 70 year-old victim’s father was shot outside his home when she was only 29 years-old at the time, inferring a history of crime and violence within the family.

The analyses for the femicide of 2020, indicated that prior violence or threat was known and reported to the police. The police specified that a report was filed in 2013 for domestic abuse with the district police. Charges were duly issued, and the case was taken to court, however, the perpetrator was acquitted as the victim withdrew the complaint during the criminal proceedings. No protection orders were issued, and the perpetrator had no previous convictions of assault. The case was not known to any support system; however, it was known to others, who were the victim’s family members and friends.

In this case, compared to other femicide cases, the media reported the outrage by the public, as well as comments from feminists calling for an end to femicide (Cilia, J, 2020)<sup>50</sup>. Although not using the word femicide, the media also reported the sorrow of family and friends of the victim (unknown author). NGOs and civil society activists put up statements on social media expressing their distress about the events which led to the femicide of the 34 year-old woman. One stated that ‘the murder had once again brought about the urgent need to fight against a patriarchal society which allows these tragedies to happen’ (Vella, 2020)<sup>51</sup>, whilst another said that ‘violence against women is always and completely unacceptable’ and that ‘if women either do not report or do not receive timely and appropriate help, we will continue to have cases of femicide’ (Vella, 2020)<sup>52</sup>.

**5.4.2. Trial and results of the trial**

Results of the Trials	All Cases	IPF	Family Members
No outcome yet	2	1	1

<sup>49</sup> Source: <https://www.independent.com.mt/articles/2019-03-30/local-news/Man-suspected-of-murdering-mother-and-sister-described-as-kind-and-quiet-man-6736205914>

<sup>50</sup> Source: <https://lovinmalta.com/news/this-must-end-malta-reacts-to-the-murder-of-chantelle-chetcuti-mother-of-two-and-victim-of-domestic-abuse/>

<sup>51</sup> Source: [https://www.maltatoday.com.mt/news/court\\_and\\_police/100175/this\\_is\\_no\\_crime\\_of\\_passion\\_this\\_is\\_femicide\\_activist\\_lara\\_dimitrijevs\\_angushed\\_call\\_on\\_facebook#.YNX38ukzbFQ](https://www.maltatoday.com.mt/news/court_and_police/100175/this_is_no_crime_of_passion_this_is_femicide_activist_lara_dimitrijevs_angushed_call_on_facebook#.YNX38ukzbFQ)

<sup>52</sup> Ibid

## 5.5. Summary of quantitative analysis

Between 2019 and 2020, there were 3 victims of femicide, 2 in 2019 and 1 in 2020. The 2019 femicide was categorised as 'other femicide' and the one in 2020 was categorised as 'IPF in context of (planned) separation'.

The mother and daughter killed in 2019 were 70 years-old and 29 years-old respectively, whilst the woman killed in 2020 was 34 years-old. For each of the femicides, the perpetrators were males, and it was one perpetrator per femicide. In the case of 2019, the perpetrator killed his mother and sister, whilst in the case of 2020, the perpetrator killed his former partner.

The 33 year-old (2020) perpetrator was known to the police, since a report of domestic abuse had been filed against him in 2013 and he was taken to court. The 39 year-old (2019) was not 'known to the police' in the formal sense, however due to his family history (his father is serving a prison sentence) and within the particular context of Malta, where family remains so dominant, this would mean that his family would have been on the police radar. The trials for both femicides are still on-going.

## 6. Qualitative Analysis - In-depth case knowledge as an example for cases that can be informative for prevention

### 6.1. Case one

#### 6.1.1. Characterization of victim, perpetrator, and their relationship

The victims were mother, and daughter aged 70 and 29 respectively, who lived in the same household (hereinafter referred to as elderly victim and younger victim respectively). The mother was of pensionable age, whilst the daughter was in full time employment, unmarried and had no children.

The perpetrator was the son and brother of the victims who at the time of the killing was 39 years old and in full time employment as a driver with a florist company. He was in an intimate relationship of 9 years with a woman.

Both perpetrator and victims are Maltese nationals, who lived in an urban area and were/are heterosexuals. The perpetrator lived in the house adjacent to the victims.

The husband/father of the victims/perpetrator is currently serving a prison sentence of 31 years for the double homicide of the family's neighbours in 2000. The husband had reported the victims missing after they failed to turn up for his prison visit. He describes his children (perpetrator and young victim) as having a positive upbringing (Watson, 2019).

Although not much information is available about the family's history, the fact that the father/husband of the perpetrator/victims had been convicted of murdering neighbours following a dispute, may, in itself, suggest that sorting problems through the use of violence was not unknown within the family.

The perpetrator's girlfriend testified that the younger victim had told her that in the past she was sexually abused by the perpetrator (Unknown author B, 2019). One of the three aunts of the perpetrator also said that the younger victim had disclosed being sexually abused by the perpetrator

In his testimony the father of the perpetrator also confirmed that the perpetrator had raped his sister. He says that the rape took place in the residence of the perpetrator whilst the perpetrator was already in a relationship with the partner he had at the time of the killing. This would mean that the victim was already an adult at the time that the perpetrator had raped her. The rape was never reported to the police. The perpetrator, in his interrogation, claims that the younger victim was insinuating that he had sexually abused her and that their mother (elderly victim)

was instigating the sister to report. He also told police that he heard the victims colluding against him (Unknown author B, 2019).

The father also testified that the perpetrator and his sister (younger victim) were not on good terms. However, notwithstanding his other testimony confirming that the younger victim had been raped by the perpetrator, he claimed not to know the reason for this (Watson, 2019). Furthermore, in the evidence produced by the investigative police inspector, it was reported that the father told him that he (the father) had sold his property, where the perpetrator was living, to his son prior to his (the father's) arrest and that this caused a rift between the perpetrator and younger victim (Unknown author B, 2019).

When questioned by the police, the perpetrator confessed that he killed them because of the bottled up anger that he felt (Unknown author B, 2019).

The relationship between the perpetrator and his mother (elderly victim) also does not appear to have been a good one. In the testimony of the paternal aunt of the perpetrator she says that she was asked by the husband/father to check up on the victims, since they had failed to turn up for his prison visit but got no response. She was then asked to visit the house for a second time by the police, since the perpetrator had asked for her to accompany them into the victims' residence as a witness so that his mother does not accuse him of stealing, which suggests a strained relationship between the perpetrator and his mother. Once they entered the house, the aunt testified that the perpetrator uttered the words 'I love my mother... but' before stopping short of continuing his sentence (Agius, 2019a). Another aunt further indicated that the elderly victim was manipulative. She testified that she (the aunt) was the first victim of the elderly victim, since she had caused trouble in the past between her and her then boyfriend and his mother (Brincat & Leone Ganado, 2019). Whilst acknowledging that spite, past resentments and gossip may well play a part in the testimonies of the various relatives, their perspectives still reflect a possible hostile relationship between the perpetrator and his two victims.

### **6.1.2. Coercive control and victim's strategies to deal with perpetrator**

There was no information about the perpetrator's coercive control. However, from the way he carried out the murder, it appeared that he was manipulative and controlling, creating his own weapon and meticulously planning the execution and disposal of the bodies.

It was reported that the elder victim had been encouraging the younger victim to report the alleged sexual abuse. However, no further information about the victim's strategies to deal with the perpetrator was available.

### **6.1.3. Previous help-seeking and reports to the authorities**

There was no information about the victims previously seeking help or reporting to the authorities about the perpetrator.

The younger victim, however, had disclosed to both the perpetrator's partner and her aunt about sexual abuse committed on her by the perpetrator. Whilst this cannot be seen as formal help-seeking or reporting, it could be seen as an attempt to seek support through her informal network.

### **6.1.4. Family, formal and informal networks**

Notwithstanding previous testimonies in relation to the sexual abuse (see above), members of the family that testified in the compilation of evidence against the accused say that they were not aware of any violence in the past. They describe the perpetrator as being hardworking and a good person.

The perpetrator's girlfriend describes him as being 'an amazing person' and that he had saved her from an abusive relationship (Unknown author B, 2019). The perpetrator's aunts testified



that the perpetrator was a good and hardworking man (Brincat & Leone Ganado, 2019). One aunt further describes him as being 'a good person' and that his mother (elderly victim) praised him for helping her around the house (Agius, 2019a). Another two aunts also confirm that they were never aware of any violence in the past. This was also confirmed upon the testimony of the perpetrator's uncle (Unknown author D, 2019).

The girlfriend in her testimony to the court, however, did confirm that the younger victim had disclosed that the perpetrator had sexually abused her in the past (Agius, 2019b).

The perpetrator had been in a previous relationship. His then girlfriend had committed suicide in his residence. According to the perpetrator, in her suicide note she said that the perpetrator's mother (elderly victim) never liked their relationship and that she could finally rest in peace (Unknown author B, 2019).

It was not clear whether the victims were pressured into not disclosing abuse. It was interesting to note that whilst the father claims that the victims never missed a call or a visit, the aunt testified that the elderly victim was concerned about his upcoming release since she had got used to living without him (Brincat & Leone Ganado, 2019).

Comments posted on social media, namely Facebook, indicated that mother and daughter were well loved, and the daughter was described as a true friend (Unknown author A, 2019). On the other hand, the aunt of the younger victim to whom the victim had disclosed sexual abuse committed by the perpetrator claimed that she did not believe her because "Her personal life indicated otherwise" (Brincat & Leone Ganado, 2019), suggesting possible promiscuity.

Neighbours reported to the media that the family was a good one and that they had never heard of any serious arguments between them (Cilia, R, 2019).

The perpetrator's employer also described him as a serious individual (Unknown author C, 2019).

#### **6.1.5. Social and economic status**

The elderly victim was unemployed and of pensionable age. The younger victim was in full time employment.

The perpetrator was in full time employment and lived in the adjacent property to the victims that he had bought from his father.

The residences were in an urban area. The family had other agricultural land as the bodies of the victims were found in a field belonging to them.

#### **6.1.6. Official reports and risk assessment**

There was no record of any official reports made by the victims.

No risk assessment was carried out given that the victims never reported abuse prior to the killings.

#### **6.1.7. Social and cultural norms relevant to the specific case**

In this case, family unity appears to have been greatly valued. This can be seen from the lack of reporting of the younger victim's allegation of sexual abuse by the perpetrator, the elderly victim staying within the marriage, despite her husband's imprisonment for murder and her concern about his release. An element of 'shame'/'family honour' (within the honour and shame

context of the Mediterranean) may also have prevented the women victims from reporting<sup>53</sup>. This may also have been reflected in the extended family's testimony suggesting that all was well, including the stated lack of belief in the younger victim having been raped.

## 6.2. Case two

### 6.2.1. Characterization of victim, perpetrator, and their relationship

The victim was a 34 year old Maltese national. She was unemployed and had 2 children from a relationship she had with the perpetrator. At the time of her killing, her eldest was 14 years old and the younger was 10 years old. Both children lived with the victim.

From information provided by her family members, the victim was very caring towards the needs of her children, and she always placed them as her top priority. She had no drug addictions and was never involved in any illicit activities. Prior to her killing, she lived with her parents together with the children.

The perpetrator was a 33 year old Maltese national. He was self-employed and worked as a vegetable vendor at the time of the killing. It was confirmed by the court appointed psychiatrist that he was a heroin, cocaine, and cannabis abuser, however, was considered of sane mind at the time of killing the victim.

There was one reported domestic abuse incident which took place 7 years prior to the killing, however, family members and friends all testified that they were aware of physical abuse in the past as they were either witness to the abuse or had seen the victim with visible markings.

In the weeks prior to the killing, the perpetrator stalked her continuously. He followed her movements, appearing in any place she would be frequenting, including the bar she was at the time of the killing, and he would even sleep in his car outside of her parents' house. Family and friends describe him as being very possessive, jealous, and controlling. The court appointed psychiatrist testified that he has an impulsive and anxious personality.

The victim and perpetrator were in a relationship for 17 years prior to the killing. Friends and family members testified that the perpetrator was friends with the victim's brother and from the moment he met her when she was still a teenager, he harassed her to try and persuade her to enter into a relationship with him.

The relationship was described by family and friends as being a violent one. The victim's parents testified that they were witness to acts of rage and physical abuse. The father testified that he had called the police once after he received a call from the mother at his place of work screaming that the perpetrator wanted to beat her up too. At this point, he proceeded to call the police, however, charges were later dropped in court. This was the only report that was filed. The victim's brother testified how on the day of the killing, the perpetrator had called him to tell him that he knew well where the victim was and who she was with. The brother told him that he needed to forget his sister and move on.

Family and friends, as well as the victim, refrained from reporting the behaviour to the police in fear that he would retaliate further.

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<sup>53</sup> 'Whilst parents and their married children with their offspring no longer live under the same roof, the unity in the nuclear family extends to the family of origin – parents, brothers and sisters and in-laws. The strong relationship that they sustain is similar to the extended family, which is made feasible by the small size of the island. In fact, the lack of distance can be said to be not only physical but psychological as well. The nuclear family receives support from the extended family, especially the family of origin, with parents continuing to show interest and concern towards their married children and their families, and vice versa. The down side of this is that sometimes this interest can become a form of interference (Tabone 1995). They impose sanctions on each other, and exert influence and social control on each other, in order to protect the family honour.' (Naudi, 2004, p.8)

One of the victim's close friends testified at length how on the day of the murder he had driven her to the place she was eventually killed at and in the car she told him that she had a bad feeling that something would happen to her. He testified that on the day, she told him that she will be meeting a male friend at a bar. She later messaged him from the place she was at and told him that the perpetrator knows where she was because a common friend was also present.

Close friends also testified how 2 weeks prior to the killing, the perpetrator followed her continuously and obsessively to the extent that on one occasion they had to jump out of the back window of one of their apartments, so as to avoid him since he was outside the door of the property. They also recounted how the victim had told them that the perpetrator kicked her so badly in her back that she had to be hospitalised. The perpetrator's mother had accompanied her to hospital and told the victim not to mention how she had sustained the injuries. On the day of the killing, the victim had sent a message to her friends saying that this will be the end of her. She was stabbed less than an hour later.

The 14 year old daughter of the victim and perpetrator, in her testimony, described how the victim and perpetrator would often argue and that the perpetrator would at times physically abuse the victim in her presence. She said that 6 months prior to the killing, the victim had been adamant to end the relationship and that she did not want to reunite with her father. The daughter further testified that her father would then continuously message her (the daughter) to see what her mother was up to and where she was. The daughter testified that her father showed no interest in her but was only asking about her mother.

In September 2019, the victim had sent a legal letter to the perpetrator telling him that the relationship was over and that they needed to regulate matters, with regards to the children. No further legal action was taken as the victim was afraid that he would become more aggressive. This was testified by the victim's parents.

The victim and perpetrator attended family therapy sessions where the victim tried to use these sessions to make the perpetrator understand that their relationship was over. The last session was held a few days before her killing and on the way back from the therapy session, the perpetrator drove head on into the wall smashing the passenger side of the vehicle, where the victim was seated. No police report was filed, though an incident report was filed for insurance purposes.

### **6.2.2. Coercive control and victim's strategies to deal with perpetrator**

The victim was very fearful of the perpetrator, as were members of her family and friends. He was not only physically abusive, but his continuous stalking made the victim, and her family and friends feel that they were under his control.

All the family knew the perpetrator from a young age, and he was considered to form part of the family from before the victim and perpetrator started dating. This was used by the perpetrator who following an abusive incident would then ask for forgiveness.

The perpetrator came from a broken family background and his father was not listed in his birth certificate and was hardly present in his life. The perpetrator would use this to guilt trip/manipulate the victim into reuniting their relationship, claiming that he did not want his children to be brought up without his presence as a father.

The perpetrator also never allowed the victim to work, claiming that he would provide for the needs of the family. Although the perpetrator would provide for the financial needs of the children and the victim, he used this as leverage to stop her from engaging in employment.

From the testimonies of family and friends, the victim would try to appease the perpetrator's wishes in the hope that she could contain any further retaliation. She would give him access to the children whenever he so wished, often even without prior notice.

### 6.2.3. Previous help-seeking and reports to the authorities

There is no evidence that she tried to seek help other than the support of her family members and friends.

Only one report was filed quite a few years prior to the killing. Given that the victim had decided not to testify, and asked for the charges to be dropped, the court proceeded with an acquittal.

### 6.2.4. Family, formal, and informal networks

The families of both the victim and the perpetrator were aware of the violence. The victim's mother was herself a direct victim of physical and verbal abuse by the perpetrator. For a long period, the victim and perpetrator lived in the household of the victim's family. Within the household there lived the victim's parents and the victim's brother, together with the victim and perpetrator, and their children.

The mother in her testimony explained how on a number of occasions, the perpetrator had threatened to harm her, caused damage to the property including broken doors and even assaulted her. She recounted how the perpetrator had even beaten the victim whilst she was pregnant. She further went on to say that she had seen the victim bruised and with visible injuries and that on one occasion the victim did not return home for 3 days because the perpetrator had caused serious injury to her back after he repeatedly kicked the victim. The mother was also aware that the victim was on anti-depressants and anxiety medication because she could not cope with the abuse and harassment. She also told the court that she had heard the perpetrator saying that if she is not with him, then no one shall have her (Cioffi, 2020).

The father also testified how in 2015, he had received a call from his wife as a result of the perpetrator's aggressive behaviour and that he had proceeded to file a police report. The perpetrator was acquitted of the charges since the victim and mother opted not to testify. He testified that he had seen his daughter with bruising and injuries on a number of occasions, however, he never questioned her, and the victim never opened up to him.

Both parents and the victim's brother testified that the victim had tried to end the relationship on a number of occasions and that in the weeks prior to her murder, the perpetrator stalked the victim and they often saw him outside the house, even spending the night in the car outside the door. The brother further said to the court that he had told the perpetrator to move on with his life and let his sister be, however, the perpetrator would insist that the victim was his alone. On the day of the killing the perpetrator had called the brother around two and a half hours prior to the murder informing him that he knew where the victim was and who she was with. The brother testified it was not unusual for the perpetrator to call him, since they were also friends and paid little attention to what he told him as he was playing a video game at the time.

The perpetrator's mother was also well aware of the abuse. Although she refused to testify in court, documents exhibited and witnesses reported that there were occasions, particularly in the incident where the perpetrator had injured the victim's back, that the perpetrator's mother was the one to intervene and help the victim in seeking medical support.

The victim was unemployed; however, she had a very close group of friends. Three friends testified at length in court about the years of abuse that the victim had experienced. They were childhood friends, and they grew up together. They also knew the perpetrator since childhood since he too was in the same circle of friends.

In their testimony, they gave a detailed outline of the incidents of abuse recounted to them by the victim, messages that she had sent them, as well as first hand witness of abuse and stalking by the perpetrator. They also disclosed that they were very fearful of the perpetrator as they were well aware of how violent he could get.

In the run up to the killing, the friends testified that around 3 weeks' prior, the perpetrator had increased his stalking. They recounted how any place the victim would be, he would appear and how he would follow them in the car. During this period, the perpetrator had also called

the victim to tell her that if she continued to refuse to pursue their relationship, he would commit suicide<sup>54</sup>.

On the day of the killing, the victim had sent a message to their common Facebook chat where she told them that she was no longer feeling safe and was worried that the end was near. One friend also testified that 10 minutes prior to the killing, the perpetrator had called their elder daughter who was sitting beside him in the maternal grandparent's home. He heard the perpetrator ask if she was going to go over that evening, to which she replied in the negative. He also heard him ask the daughter where the victim was, to which the child replied that she was out. Ten minutes later, a call was received at the maternal grandparent's house informing them that the victim was dead.

#### **6.2.5. Social and economic status**

The victim lived off social benefits and was unemployed at the time of her murder. There is no evidence that she was engaged in employment in the past. She lived in an urban area in her parents' property.

The perpetrator had an unknown father listed on his birth certificate, although he had contact with his father. The father was a well-known businessman, who had an extramarital affair with the perpetrator's mother. Due to his affluent position, he hid the relationship and the perpetrator for many years.

#### **6.2.6. Official reports and risk assessment**

The victim's account of prior domestic abuse is recorded in her police report and was made available to the court.

No risk assessment was done, since only one report was filed to the police, 7 years before the killing, when risk assessments were not yet being carried out.

#### **6.2.7. Social and cultural norms relevant to the specific cases**

In this case, the victim lived in fear of the perpetrator which is a common characteristic of women who live in or try to leave abusive/coercive relationships. Apart from the physical abuse, which she also experienced during her pregnancies, the perpetrator also stalked the victim which heightened the issue of his control over her. The perpetrator always seemed to ask for forgiveness whenever he hurt the victim or members of her family, since he had been part of the victim's family from when he was a young child, and he expected to be forgiven for his actions. The perpetrator would manipulate the victim in various ways, especially where it involved their children. On several occasions, the victim had to give in to his coercive behaviour which is what was expected of her to do. The victim was also stopped from seeking gainful employment by the perpetrator. This stripped the victim from having financial resources to sustain herself and her children to live independently.

### **6.3. Similarities and specificities of the cases**

The cases presented above have a few similarities between them. As indicated previously, the perpetrators were both male and they both had relationships with their victims. For the case of 2019, the perpetrator killed his mother and sister, whilst for the case of 2020, the perpetrator killed his ex-partner. Both perpetrators were known to the police, however, only the perpetrator

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<sup>54</sup> Threats to commit suicide are often seen as part of coercive control, and together with the stalking, is often considered a high risk factor for femicide.

of the 2020 case was known for reasons related to domestic violence and abuse, and stalking. After the 2019 femicides, the perpetrator gave himself up, however, this took place a few days after the murders, since both the mother and sister had been reported missing. In the case of 2020, the perpetrator walked into a police station covered in blood right after stabbing the victim and turned himself in.

Since both cases also presented various differences, one can also note that for the 2019 case, the perpetrator planned the murders, going as far as creating his weapon, creating an excuse to lure both his mother and sister separately to the garage (where the killing occurred) and moving their bodies clandestinely to the family field where he buried them. In the case of 2020, it is not known if the perpetrator had any intentions of killing the victim that evening, however, he arrived at the scene with a knife in hand and created a scene in order for the victim to leave the establishment she was in and deal with the perpetrator outside. He then stabbed her in the head several times and left her to bleed to death. The victims of the 2019 case both died on the scene, whilst the victim of the 2020 case succumbed to her injuries in hospital and passed away there.

The locations of both the cases happened in different spaces, one took place in private, whilst the other took place in public. The 2019 femicides took place in a garage which belonged to the family, whilst the 2020 femicide took place in the streets outside a popular establishment in the locality. These two scenarios strengthen the narrative that femicides could take place in various spaces, with the use of different weapons. In the 2019 case, the perpetrator first hit his victims on the head with a mallet and then shot them in the head. The pistol was designed and assembled by him. In the 2020 case, the perpetrator stabbed the victim with a knife and witnesses claimed that they found the victim shaking with a knife stuck in her temple. Thus, one case had witnesses and the other did not.

In the case of the 2019 femicide, the perpetrator never divulged information of his intentions to kill his mother and sister with anyone, so the murders came as a surprise to people who knew the family. On the other hand, the perpetrator of the 2020 case, had on numerous occasions expressed his possessiveness over the victim and demonstrated obsessive traits towards her, so much so, that on several occasions he slept in his car in front of her parents' house where she used to reside.

In conclusion, both cases presented various differences, especially since both were classified as different types of femicide, and similarities were minimal.

## **7. Conclusions**

The report highlights how Maltese society and culture are still heavily shaped by patriarchy. It focuses on showing the link between the way men and women are treated in society, further strengthening the narrative of gender stereotypes and gender roles, with the prevalence of domestic violence and femicide. Even though Malta implemented the Istanbul Convention in 2018, the report identifies how the laws which are in place still do not fully protect women who experience domestic violence incidents and at times how the Courts fail to protect women from the perpetrator.

As a result of the above, many women opt out of reporting or if they do, many decide to recant which throws them back to square one. Behind this behaviour is the background noise of shame, propelling women to obey and to accept the violence being done to them. Due to this, many cases of domestic violence go untackled and unresolved, laying the ground for possible femicides.

Over the years, femicide due to intimate partner violence (IPV) was the most common form of femicide reported. As presented in the report, the 2020 case was a clear example of IPV, where the perpetrator was fuelled by coercive controlling behaviour and jealousy. His refusal to accept the status of the relationship between himself and the victim, led to the femicide. In the wake of the murder, he destroyed people's lives, such as the children's lives, who were left

without a mother. The behaviour presented by the perpetrator of this IPV case, strengthens misogynistic and patriarchal behaviour and reinforces the idea that women are objects belonging to men.

As presented in the report for the 2019 case, the individuals who spoke about the perpetrator in court, portrayed him as a good man, notwithstanding his alleged commission of femicide. It would appear that this use of language is not unheard of when discourses on the perpetrator are presented, whether in a court setting or during a conversation. One possible reason for this is that the perpetrator may portray a 'good side' in public and individuals will know him in one way, whilst he may be the opposite in the private sphere, they can be abusive at home, but present themselves completely differently to the outside world as 'caring and devoted family men' (Dalton, Carbon & Olesen, 2003 as cited in Naudi et al 2018). This may result in public individuals reacting the way they do to news of his 'bad side' by attempting to somewhat protect him and detract from his actions. This narrative is often reported in the media, which may lead to the victim being perceived as a liar in cases of domestic violence and/or victim blaming in cases of femicide. This may be seen as to continue to fuel possible misinformation in society about the seriousness of domestic violence and femicide. As a result of this, victims may opt not to leave, opt not to report, and opt not to do anything outside the lines, which sees them suffering in silence as long as society is happy.

This outlook has to change and that is why the urgent need to tackle violence against women across the European Union comes at a crucial time. Tackling violence against women, must come from different directions, taking into account specifically the culture of the country, the harmful attitudes, behaviours and stereotypes (ABS) in institutions and in individuals and the education system. The focus has to be on providing the best multi-agency approach to help victims and their families, whilst targeting the general public through awareness campaigns promoting gender equality, which will spearhead better policies. Ultimately, there has to be a shift in attitudes and narratives, in order to move forward.

## **8. Preliminary recommendations**

### Training and Awareness Raising:

1. Provide continual training to frontline professionals working with victims and survivors of violence against women (VAW) including intimate partner violence and domestic violence (DV):
  - focusing on identifying various forms of VAW and the early identification of risks for femicide.
  - highlighting various dynamics such as stalking, deprivation of liberty, and coercive and controlling behaviour.
  - taking into consideration children, who could be both witnesses and direct victims of violence.
2. Provide mandatory in depth training for professionals from sectors such as the police, the justice system, health, education and so on, on the dynamics of violence against women, whilst focusing on targeting possible harmful Attitudes, Behaviours and Stereotypes (ABS) present in the individuals and in the institutions. The aim of the training would be to help them understand the importance of having a gender perspective when dealing with such cases, whilst also strengthening and addressing their interpersonal skills.
3. All professionals, including front line police officers and specialised squads should be trained in risk assessment and risk management.

4. Mandatory and continual training to legal practitioners, court staff and judges dealing with violence against women (VAW) including intimate partner violence and domestic violence aiming to provide:
  - An in-depth understanding of the gendered element of VAW.
  - Awareness of the correlation between domestic violence and femicide.
  - Better knowledge of the risk assessment for danger and lethality.
  - Emphasising and understanding the gender imbalance in intimate partner violence and the effects on any children involved and the need to provide protection to these children and to the custodial parent (Buckingham, 2006, p.456)
5. Training to media and journalists on sensitive rather than sensational reporting, limiting reporting to facts and ensuring respect to the victim(s) and her family members in cases of femicide.
6. Continual educational campaigns for both the public and in schools about red flag situations for bodily harm and potential lethality in cases of domestic violence cases and violence against women (Buckingham, 2006, p.455). The campaigns should also incorporate awareness on stalking, deprivation of liberty, and coercive and controlling behaviour.
7. Focus on creating regular campaigns for the public, specifically targeting women and men, on issues of gender equality, the harmful effects of gender stereotypes in public spaces and in the home, the different forms of violence which can be experienced, and the importance of reporting violence.
8. Create awareness campaigns focusing on femicide, the prevalence of femicide and its various aspects.
9. Create age-appropriate educational campaigns and programmes targeting school children focusing on domestic violence, intimate partner violence and violence against women, as well as including information sessions on gender stereotypes and gender roles in society.
10. Create educational campaigns and programmes targeting the community by delivering these programmes in community centres focusing on domestic violence, intimate partner violence and violence against women, as well as including information sessions on gender stereotypes and gender roles in society.

#### Support Systems:

1. Ensure the provision of immediate short- and long-term specialist support services to victims of all forms of violence against women, beyond domestic violence. Prompt provision of psychological and legal counselling should be particularly increased, with systematic referrals, where necessary, to specialist women's organisations with in-depth knowledge of gender-based violence (GREVIO, 2020, p.78).
2. Recognise and support NGOs, whilst equipping the NGOs and the State institutions who work with victims and survivors of violence against women and domestic violence with better resources, both financial and human, to provide the best possible help through a multi-agency approach.

#### Legislation:

1. Ensure that a risk assessment is carried out by trained professionals, police and/or the courts for all cases pertaining to violence against women, and domestic violence.
2. Align national laws with the Istanbul Convention, especially where inconsistencies are present.



3. In cases of domestic violence, intimate partner violence and other forms of violence against women, the perpetrator is to be removed from the home. The victim should be awarded immediate and effective protection, whilst remaining in the home.
4. In cases of domestic violence and intimate partner violence where children are involved, the Courts should refrain from awarding joint custody or access arrangements, even pendente lite, between the perpetrator and the victim that endangers women's lives and puts their safety and their children's at risk.
5. Ensuring that all forms of protection orders are accessible and available, including at civil law for women, irrespective of or in addition to other legal proceedings and stepping up efforts to monitor and enforce protection orders, including through protocols/regulation and technical means such as electronic tagging (GREVIO, 2020, p.83).
6. Introduce the use of GPS monitoring on perpetrators that have been released on bail and are waiting to be taken to court, as well as in those cases where a suspended sentence has been awarded and restraining orders have been issued so as to ensure that the risk of femicide is reduced (Malone, 2012).
7. Professionals such as police and front liners should approach all domestic violence, intimate partner violence and violence against women cases from a homicide-prevention perspective with a gendered lens and a victim-based perspective to ensure the safety of victims who are abused (Neal, 2007).
8. Introduce femicide as a criminal offence and alternatively ensure that femicide constitutes an aggravation to the offence of homicide.
9. The investigation, prosecution and punishment of such cases need to be carried out with a gendered lens.

#### Research & Data Collection:

1. Further research on violence against women and femicide from various aspects, such as, police investigations, perpetrators characteristics and attitudes, media reporting, toxic masculinity, and its effects on the perpetrators and so on. The research will help create better preventative measures.
2. To collect disaggregated data, on both the victim and the perpetrator, in order to effectively create a database across sectors which is accessible by front line professionals to aid with assessing cases, reviewing clients' history and the perpetrators' and providing the right assistance. This will aid to strengthen the multi-agency approach across the sectors.
3. Allow for data to be easily accessible by the public.
4. Carry out femicide reviews to investigate where the procedures and responses can be improved to prevent future femicides.

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