



FEM-UNITED

united to prevent femicide in europe

**POLICY BRIEF ON FEMICIDE
PREVENTION: MALTA**

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Introduction

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.

This policy brief consists of a summing up of the findings and outcomes of the research, capacity-building trainings and multi-stakeholder meetings conducted within the framework of the EU-funded project '**FEM-UNITED - United to prevent IPV/DV Femicide in Europe**'.

The FEM-UNITED Project

The FEM-UnitED project aims to improve responses to intimate partner violence (IPV) and domestic violence (DV) in order to reduce harm to women and children, and prevent femicide. The project aims to develop system-wide responses to IPV by creating an evidence base for raising public awareness and fostering multidisciplinary 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 seeks to reinforce and contribute to international efforts, such as Femi(ni)cide Watch Platform¹ and the European Observatory on Femicide (EOF)², through: a) further developing quantitative and qualitative tools dealing with transnational and applied femicide data that measure the prevalence of femicide and related risk factors; b) identifying gaps in system responses to IPV/DV across partner countries; and c) initiating 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-Nürnberg in Germany, the University of Zaragoza in Spain, and the University of Porto in Portugal. The project team also includes women's rights and gender equality NGOs, such as the Mediterranean Institute of Gender Studies (Cyprus), the Women's Rights Foundation (Malta), and the UMAR – União de Mulheres Alternativa e Resposta (Portugal).

This project builds on the work of the EU-funded project COST Action on Femicide across Europe (2014-2017)³ that resulted in the establishment of the European Observatory on Femicide (EOF),⁴ the first European-wide network monitoring cases of femicide and contributing to the prevention of femicide. The EOF has been systematically collecting data on femicide in Europe since 2020.

¹ Femi(ni)cide Watch Platform: <https://femicide-watch.org/>.

² <http://eof.cut.ac.cy/>

³ COST Action IS1206: Femicide across Europe (2014-2017): <https://www.cost.eu/actions/IS1206/>.

⁴ European Observatory on Femicide (EOF): <http://eof.cut.ac.cy/>

Prevalence of Femicide

Malta's femicide cases between 2016 and 2020 are relatively small compared to the partner countries of the FEM-United Project, although less so when considered the per capita of the population. On the higher end per capita population. In fact, there was a total of 7 cases, with 9 victims, since for two of the cases, 2 victims were killed.

It was recorded that for each of the femicides, there was 1 perpetrator, with the gender being male. The majority of the cases were categorised as femicide 'related to intimate partner violence' as the victims were killed by a partner or husband whether they were current or former. The two cases where two victims were killed were categorised as 'other' or 'killed by a family member'.

Under the timeline of the FEM-United Project, Malta recorded 2 cases between 2019 and 2020. In total, there were 3 victims. In 2019, the 2 victims were killed by a relative who was male and the relationship they had with him was that of son and brother. On the other hand, in 2020, there was 1 victim and she was killed by a former partner. The femicides differed, as the 2019 one was categorised as killed by a family member, whilst for 2020, it was categorised as intimate partner femicide (IPF). The only common denominator between the cases was that the perpetrator was male which is also one of the main factors of femicide prevailing from the patriarchal context within society.

To put the case numbers into a population context, in 2019 there were 0,38⁵ cases per 100.000 inhabitants and 0,19⁶ cases per 100.000 inhabitants for 2020. Whilst these numbers and rates may appear low, in fact they are similar to those found elsewhere, considering the population size. The rate needs to be considered over a larger number of years to get a better picture of the situation.

It has also been shown in studies that femicide is clearly connected to domestic violence, especially when the femicide is categorised as intimate partner femicide (Cutajar, 2020)⁷. This comes about due to the underreporting of domestic violence cases and the very lenient sentencing of the perpetrators which continues to fail victims. In fact, the researcher 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).

In terms of statistics, the Malta Police Force (MPF) collects these and also provides data on reports related to domestic violence. The MPF register all the cases reported into the National Police System (NPS) database. At request, data is provided to individuals for research and journalistic purposes. Homicide data is also obtained upon request. Local NGOs, such as the Women's Rights Foundation also collect specific data related to domestic violence and femicide, whilst the National Statistic Office collects data on domestic violence⁸. The recently set up Malta Observatory on Femicide is now also collecting data on femicides, including retroactively.

Gaps & Challenges

Despite some progress, Maltese society and culture is still very heavily shaped by patriarchy. This is evident in everyday life, especially the way men and women are treated in both the public and private domain, in society and at home. This behaviour continues to promote gender stereotypes and gender roles which indirectly affect the prevalence of domestic violence and femicide.

⁵ Due to the low case basis of women killed, the rate has to be used with caution.

⁶ Due to the low case basis of women killed, the rate has to be used with caution.

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

⁸ Source: www.nso.gov.mt/en/News_Releases/Documents/2021/04/News2021_073.pdf

Within the justice system, women still struggle to obtain protection from their perpetrator despite the implementation of the Istanbul Convention in 2018, since protective measures can only be obtained from court and access to them depends on whether criminal action is taken against their aggressors or by the family courts in cases where the victim and perpetrator are married or in a relationship and have children in common. Due to the lack of immediate action and effective protection, many women opt out of reporting and if they do, many decide to recant at a later stage which puts them back to square one. As a result of this, many cases of domestic violence go untackled and unresolved, laying the ground for possible femicides.

Malta has recorded more femicides due to intimate partner violence (IPV) than any other form of femicide. One particular trait which can be highlighted from the research carried out in relation to IPV is that of coercive controlling behaviour and jealousy. In light of this, refusal to accept the end of the relationship, led many perpetrators to killing their current or former partner. This kind of behaviour, unfortunately, strengthens misogynistic and patriarchal behaviour and reinforces the idea that women are objects to be owned/possessed by men.

The use by the media of positive narrative in relation to the perpetrator, is also another trait which is problematic and may put victims at further risk of victimisation. This tends to glorify certain characteristics of the perpetrator, notwithstanding his alleged commission of femicide. This has at times led to victim blaming in cases of femicide as well as the victim being perceived as a liar in cases of domestic violence. Such misinformation clouds society's understanding about the seriousness of domestic violence and femicide and further excuses the perpetrator for his actions.

Notwithstanding that Malta has significantly strengthened the support services for domestic violence survivors, most of the victims of femicide over the years were never on the radar of the national domestic violence unit. Hence, help could not be provided. It has been noted that this was possibly due to the lack of awareness of the services available, or their public image.

Legal & Policy

In terms of the law, until June 2022, there was no specific legal reference to femicide under Maltese law. This has now changed with the passing of amendments which specifically list the conditions under which the court is to consider homicide as a femicide and provide the highest form of punishment, being life, in the following circumstances⁹:

- (a) as the result of violence committed by an intimate partner with whom the victim was or is still in a relationship or of whom the victim is the spouse or former spouse;
- (b) as a result of violence by a member or members of the family
- (c) was committed for misogynist motives
- (d) was committed for reasons of honour of the perpetrator, or of family reputation, or for reasons related to religious or cult belief or practices
- (e) was committed due to motives based on the gender, or gender identity, or sex or sexual orientation of the victim
- (f) was committed as a result of sexual violence or of acts of a sexual nature
- (g) was committed due to the victim being involved in prostitution, or being subjected to sexual exploitation or being the victim of human trafficking for purpose of sexual exploitation

The amendments have further dispensed with the defence of the 'crime of passion' in cases

⁹ Article 211A, Criminal Code, Chapter 9 of the Laws of Malta, <https://legislation.mt/eli/cap/9/eng>

of femicide.

The law, however, does recognise that in crimes affecting the dignity of the person, gender is to be considered as an aggravation of punishment.

With the introduction of the amendments to national law following the implementation of the Istanbul Convention, changes have been made to the definition of domestic violence. In the law, domestic violence has been defined under Article 2 of the Gender Based Violence and Domestic Violence Act (2018) 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.

This same law has also introduced the 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.

Domestic violence has also been introduced as a separate offence within the Criminal Code, Chapter 9, Laws of Malta, which not only includes physical and sexual violence, but also financial and emotional abuse, as well as, coercive control and arbitrary deprivation of liberty.

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.

Malta does not carry out domestic homicide or femicide reviews to date.

In Malta, protection orders¹⁰ are made available by the courts to the victim 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)¹¹. It can also be issued by the Civil Court (Family Sitting) (Art 37 and 39, Chapter 16, Laws of Malta)¹².

With regards to former policies, between 2018 till 2020, Malta had in place a Gender-Based Violence and Domestic Violence Strategy & Action Plan – Vision. 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 then 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 cases¹³.

¹⁰ Source: <https://justice.gov.mt/en/pcac/Documents/Criminal%20code.pdf>

¹¹ Source: <https://justice.gov.mt/en/pcac/Documents/Criminal%20code.pdf>

¹² Source: <https://legislation.mt/eli/cap/16/eng/pdf>

¹³ 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)

In its baseline evaluation report on Malta issued in 2020¹⁴, 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 Malta Police Force (MPF) as mentioned in the first section, provide data upon request which could also be gender segregated, since homicide data includes both male and female victims. In terms of domestic violence cases, each year, the MPF release the number of cases dealt with. In 2019, there were a total number of 1326 cases, whilst in 2020, there were a total number of 1645 cases.

As is mandatory by law, the official reporting procedure for cases of domestic violence (DV) made to the police include risk assessments. The Domestic Violence Unit which is a specialised police unit, call upon professionals from Aġenzija Appoġġ to conduct a risk assessment when they receive a call related to DV. The tool used in Malta is that known as DASH, which is an international risk assessment tool. Aġenzija Appoġġ also use this tool within their own working structure. 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. Within their service, Aġenzija Appoġġ recorded 1324¹⁵ cases in 2019 and 2321¹⁶ cases in 2020.

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

Policy Recommendations for Effective Prevention & Intervention

Within the framework of the FEM-United project, Malta carried out meetings and workshops with stakeholders and frontline professionals in the field of violence against women. From these meetings and workshops, recommendations for effective prevention were drawn up. The recommendations collected from the research carried out on Malta along with the recommendations from the stakeholders and the frontline professionals were summarised and listed together, categorised under four headings; Training and Awareness Raising, Support Systems, Legislation, and Research and Data Collection.

Training & Awareness Raising:

1. Provision of 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.

¹⁴ Source: <https://rm.coe.int/grevio-inf-2020-17-malta-final-report-web/1680a06bd2>

¹⁵ Source: [https://fsws.gov.mt/en/Documents/StatisticalReports%20by%20Agency/Appoqq/Appoqq%20Yearly%20statistical%20report%202019%20%20\(online%20version\).pdf](https://fsws.gov.mt/en/Documents/StatisticalReports%20by%20Agency/Appoqq/Appoqq%20Yearly%20statistical%20report%202019%20%20(online%20version).pdf)

¹⁶ Source: [https://fsws.gov.mt/en/Documents/StatisticalReports%20by%20Agency/Appoqq/Appoqq%20Interim%20Half-Yearly%20statistical%20report%202020%20\(Online%20version\).pdf](https://fsws.gov.mt/en/Documents/StatisticalReports%20by%20Agency/Appoqq/Appoqq%20Interim%20Half-Yearly%20statistical%20report%202020%20(Online%20version).pdf)

- Taking into consideration children, who could be both witnesses and direct victims of violence.
 - Focusing on targeting possible harmful Attitudes, Behaviours and Stereotypes (ABS) present in frontline professionals 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.
2. Mandatory and continual training to legal practitioners, court staff and judiciary 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)¹⁷
 3. 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.
 4. Focus on addressing cultural beliefs around violence against women through campaigns and training in order to focus on changing attitudes towards the issue.
 5. Promote the importance of reporting and speaking out about violence amongst the general public, in order to dismantle the stigma of silence and prevent femicide.
 6. Develop school educational programmes to address patriarchal and misogynistic attitudes which are the root causes of violence. This programme should be done in the form of peer mentoring.

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)¹⁸.
2. Ensure access to shelter, housing and protection which should be made available at early stages to the victim and children.
3. Acknowledge 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.
4. Focus on strengthening the programmes which target the behaviour of the perpetrator towards their intimate partner.

¹⁷ Source: http://ir.canterbury.ac.nz/bitstream/handle/10092/849/thesis_fulltext.pdf;jsessionid=722A9180C4F04762EE3099144ACE1B33?sequence=1

¹⁸ Source: <https://rm.coe.int/grevio-inf-2020-17-malta-final-report-web/1680a06bd2>

5. Ensure that victims who are foreign can request the use of cultural mediators and translators during reporting and whilst accessing services. Thus, there needs to be an increase in human resources in this field.

Legislation:

1. Ensure that a risk assessment is carried out by trained professionals, police and 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. 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)¹⁹.
5. The investigation, prosecution and punishment of such cases need to be carried out through a gendered lens.
6. Investigations by the police should be carried out in a timely manner and all reports should be taken seriously.
7. Professionals should be mandated to report suspected cases of domestic abuse and held accountable for their work.

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. To carry out fatality reviews on cases of femicide, to identify existing gaps and ways to improve prevention.

¹⁹ Source: <https://rm.coe.int/grevio-inf-2020-17-malta-final-report-web/1680a06bd2>