



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Malta
<b>Title:</b>	New Act on Gender-Based Violence and Domestic Violence
<b>Date:</b>	04 June 2018
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<b><u>Context</u></b>	
<b>Issue at stake:</b>	The new Act on Gender-Based Violence and Domestic Violence provides for the substantive articles of the Council of Europe Convention on prevention and combating of violence against women and domestic violence ('Istanbul Convention') to be enforceable as part of the Laws of Malta; to promote and protect the right of everyone; to repeal the Domestic Violence Act (Chapter 481 of the Laws of Malta) and the Act on the ratification of the Istanbul Convention (Chapter 532 of the Laws of Malta) and introduces amendments to various laws.
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Legislation
<b>Field:</b>	Other
<b>Applicable law:</b>	Gender-Based Violence and Domestic Violence Act; Council of Europe Convention on prevention and combating of violence against women and domestic violence ('Istanbul Convention')

### **Content**

**Legal development:** On 30 April 2018, Act 13 of the 2018 Gender-Based Violence and Domestic Violence Act was published. It repeals the Domestic Violence Act and the Istanbul Convention (Ratification) Act, and makes provisions for the substantive articles of the Istanbul Convention and introduces additional protection to those at risk of violence both in the public and private sphere.

The definition of domestic violence includes 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 includes children who are witnesses of violence within the family or domestic unit.

The definition of family or domestic unit has been widened to include civil union partners or cohabitants as well as persons in an informal relationship. The definition of "gender"

includes socially constructed roles, expectation, activities, behaviours and attributes that society at any given time associates with a person being either a male, female, or any other gender identity, gender expression, and, or sex characteristics.

The law includes provisions on non-discrimination and provides that the implementation of the Act shall not give rise to discrimination on any ground such as age, association with a national minority, belief, creed or religion, colour, ethnic origin and, or race, disability, family responsibilities and, or pregnancy, family and, or civil status, gender expression and, or gender identity, genetic features, health status, language, migrant or refugee status, national or social origin, political or other opinion, property, sex or sex characteristics, sexual orientation or any other status. Moreover, the law stipulates that special measures that are deemed necessary to prevent and protect persons who are particularly vulnerable to violence due to their gender shall not be considered discriminatory.

The Act introduces State obligations including that of creating and adopting an Action Plan which includes effective, measurable, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of gender-based violence and domestic violence, to ensure the implementation of the said Action Plan, review it periodically and publish a report at least once every three years. The Act also sets up the Commission on Gender-Based Violence and Domestic Violence and gives it wide-range of powers.

**Key points of analysis:** The Act reflects recent legislative developments such as the Cohabitation Act, and is in line with the Istanbul Convention on the prevention and combating of violence against women. The definition of domestic violence is all encompassing and the Commission on Gender-Based Violence and Domestic Violence has been given wider powers than those given to the Commission under the now defunct Domestic Violence Act.

**Internet link source:**

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29057&l=1>  
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