SOCIETY’S CONCERN

Gender-Based Violence and Domestic Violence Strategy & Action Plan

VISION 2020
Gender-Based Violence and Domestic Violence

Strategy & Action Plan

SOCIETY’S CONCERN

VISION 2020

Full Cooperation

ZERO Violence

Logo of the Full Cooperation: Zero Violence project that is currently being implemented by the HRD (January 2017-December 2018)
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### PART 2: GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE ACTION PLAN

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I am very pleased with the progress that Government has already registered in the fight against gender-based violence and domestic violence, leading to the current debate in parliament towards the adoption of the Gender-Based Violence and Domestic Violence Bill, as well as the launch of this first corresponding national strategy and action plan.

Our goal is that of addressing this form of violence as a whole, by ensuring that the legislation is robust in safeguarding victims and potential victims against perpetrators, while coordinated services are put in place to prevent violence and provide assistance when violence occurs. As a society, we need to provide greater attention to the reform of perpetrators through proper programmes targeting them. Furthermore, as this document is aptly named, gender-based violence can no longer remain the concern of the victim, but rather the concern of all of society.

This is why, it is especially important that a multi-agency approach is being developed with various ministries and agencies contributing their part. This is also why, during the coming years Government will continue to invest in the betterment of current services and the creation of new ones to ensure that all persons in Malta feel safe, and that should they become victims of violence, the right set of services are there for them.

MESSAGE FROM THE MINISTER
PART 1: THE GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE STRATEGY

A. INTRODUCTION

The Gender-Based Violence and Domestic Violence Strategy is the first national framework to ensure that legislation, policies and services address victims’ needs holistically and as a societal concern. This Strategy is also in line with the policy recommendations included in the Council of Europe Convention on prevention and combating violence against women and domestic violence (Istanbul Convention), which Malta ratified in 2014.

This Strategy is therefore based on the four pillars of the Istanbul Convention:

I. prevention whereby preventing gender-based violence and domestic violence (GBV&DV) requires far-reaching changes in attitude of the public at large, overcoming gender stereotypes and raising awareness;

II. protection whereby legal and policy measures will be in place to protect victims and witnesses from all forms of violence, which also includes the availability and accessibility of support services for victims experiencing such violence;

III. prosecution whereby in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, ensuring that effective investigation and prosecution of offences; and

IV. integrated policies ensuring that stakeholders work in a coordinated approach in carrying out risk assessments and devise an accurate safety plan for victims experiencing GBV&DV.

By virtue of this ratification, Malta committed itself to strengthen national legislation and reorganise available services in the fields of GBV&DV.

1 CETS No.210
2 Council of Europe Treaty Series – No 210 (2011), Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence
B. BACKGROUND

The core of the Gender-Based Violence and Domestic Violence Strategy is based on the report presented by the Inter-Ministerial Committee (IMC) that was set up soon after Malta ratified the Istanbul Convention to propose legislative amendments and policy measures that encompass its four pillars.

This strategy and its corresponding action plan also seek to change the hearts and minds of individuals by calling on all members of society (in particular men and boys) to change attitudes. In essence, it is a renewed call for greater equality between women and men and freedom from gender stereotypes. This is because GBV&DV are deeply rooted in the inequality between women and men as well as imbalanced gender expectations, which are further perpetuated by a culture of tolerance and denial of the prevalence of such violence.

Since its inception in 2015, the Human Rights and Integration Directorate (HRID) has embarked on various initiatives aimed at successful implementation of the Istanbul Convention. Indeed, the Directorate successfully submitted two project proposals under the Rights, Equality and Citizenship Programme 2014-2020 (REC) which is part-financed by the European Union (EU). These projects aim to implement a number of actions which also reflect the articles of the Convention. These include the need to strengthen multi-agency cooperation, provide training for professionals working in the sector, and raising awareness on GBV&DV.

In particular, ‘Full Cooperation: Zero Violence’ (period of implementation: 2017-2018) is intended to strengthen multi-sectoral and multi-disciplinary cooperation by developing and implementing training programmes and a manual of procedures. Additionally, the development and implementation of a set of standard operating procedures will enable cooperation and coordination of professionals from various sectors that come into contact with potential victims. This will lead to an upgrade in the quality of services and the introduction of national minimum standards. These actions are also complemented by local research undertaken with victims of GBV&DV and professionals so as to gain a better understanding of the stumbling blocks being encountered when accessing services.

The second project, ‘Breaking the cycle of violence’ (period of implementation: 2018-2020), aims to identify the behaviours and attitudes towards violence against three minority target groups.
groups (migrant women, LBTIQ women and women with disabilities) and the need to promote gender equality and break the cycle of violence by changing behaviours that may be conducive to gender-based violence, gender stereotypes and inequalities.

This will be achieved through the carrying out of research with the targeted groups, as well as the raising of awareness on violence prevention, victims’ rights and support services. The project will also provide mentoring workshops for victims of gender-based violence residing in a second stage shelter and survivors of violence receiving support services.

Further to the above, following careful analysis of the current discrepancies between Maltese law and the standards enshrined in the Istanbul Convention, Bill No. 14 of 2017, entitled Gender-Based Violence and Domestic Violence Bill, was published on the Government Gazette on 27th October, 2017.

The Bill aims to recast current domestic violence legislation by strengthening existing definitions; introduce new state obligations (amongst others, the development of an action plan incorporating state-wide coordinated policies regarding all forms of violence covered by the scope of the Bill); and strengthen and widen the remit and functions of the Commission on Domestic Violence (CDV) by transforming it into a Commission on Gender-Based Violence and Domestic Violence. Furthermore, it aims to amend the Criminal Code, the Civil Code, the Police Act, the Probation Act and the Victims of Crime Act to bring all relevant provisions in line with the Istanbul Convention and international best practice in the field of GBV&DV.

4 Supplement to the Maltese Government Gazette, No. 19,891, of 27 October, 2017

C. COORDINATION AND IMPLEMENTATION

C.1 THE STRATEGY IMPLEMENTATION COORDINATOR

HRID is specifically tasked with the advancement of the areas of civil liberties, foreign communities and integration and minority rights. Since its setting up, it contributed towards Government’s human rights agenda through the development of legislative proposals, policy frameworks, and collaboration with civil society, amongst others.

The Directorate has also carried out the groundwork for the development of this strategy and its corresponding action plan, and will continue to act as this strategy’s implementation coordinator within the Ministry for European Affairs and Equality (MEAE) to implement this strategy and its corresponding action plan.
Portes des Bombes, Auberge de Castille and the three hills fountain in Gozo were lit up in orange to mark the 16 days of activism against gender-based violence (November-December 2016).

Chapter 481 of the Laws of Malta

Upon the expiry of its mandate with regard to the Full Cooperation: Zero Violence project, the steering group, consisting of representatives of the Commission on Domestic Violence (CDV) and HRID falling under MEAE; the National School Support Services (NSSS) falling under the Ministry for Education and Employment (MEDE); Agenzija Appoġġ from the Foundation for Social Welfare Services (FSWS) falling under the Ministry for the Family, Children’s Rights and Social Security (MFCS); the Department for Probation and Parole (DPP) and the Malta Police Force (MPF) falling under the Ministry for Home Affairs and National Security (MHAS); the Ministry for Justice, Culture and Local Government (MJCL); and the Accident and Emergency Department (A&E) and Primary Health Care (PHC) falling under the Office of the Deputy Prime Minister and Ministry for Health (ODPM) will continue to coordinate policy development on GBV&DV. It will be responsible for bringing together the main stakeholders working in the sector so as to disseminate good practices for preventing gender-based violence and strengthening support services.

**THE STEERING GROUP**

Upon the expiry of its mandate with regard to the Full Cooperation: Zero Violence project, the steering group, consisting of representatives of the Commission on Domestic Violence (CDV) and HRID falling under MEAE; the National School Support Services (NSSS) falling under the Ministry for Education and Employment (MEDE); Agenzija Appoġġ from the Foundation for Social Welfare Services (FSWS) falling under the Ministry for the Family, Children’s Rights and Social Security (MFCS); the Department for Probation and Parole (DPP) and the Malta Police Force (MPF) falling under the Ministry for Home Affairs and National Security (MHAS); the Ministry for Justice, Culture and Local Government (MJCL); and the Accident and Emergency Department (A&E) and Primary Health Care (PHC) falling under the Office of the Deputy Prime Minister and Ministry for Health (ODPM) will continue to coordinate policy development on GBV&DV. It will be responsible for bringing together the main stakeholders working in the sector so as to disseminate good practices for preventing gender-based violence and strengthening support services.

**THE ISTANBUL CONVENTION COORDINATING BODY**

The remit of the CDV, emanating from the Domestic Violence Act, will be widened to implement Article 10 of the Istanbul Convention regarding the setting up of a coordinating body, and will cover gender-based violence beyond domestic violence. The Gender-Based Violence and Domestic Violence Bill proposed that the coordinating body will have the following remit and powers:

- **a.** to advise the minister and any state institution on all issues relating to GBV&DV as well as the measures deemed necessary to ensure conformity with their due diligence obligations;
- **b.** to monitor and oversee the effective implementation of the action plan developed by Government;
- **c.** to engage any relevant stakeholders, including civil society, in the effective implementation of the action plan;
- **d.** to determine the appropriate financial and human resources required for the adequate implementation of the integrated policies, measures and programmes to prevent and combat all forms of GBV&DV covered by the scope of the law;
- **e.** to support research in the field of GBV&DV in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement the Convention;
- **f.** to monitor national standards for support services for victims and perpetrators of GBV&DV, including public or private shelter services or facilities;
- **g.** to monitor standards and protocols for professionals in the areas covered by the scope of the law and organise specialised training for the said professionals, including, but not limited to, law enforcement officers;
- **h.** to comprehensively collect and collate relevant disaggregated statistical data at regular intervals on cases of all forms of violence covered by the scope of the law from the state, public sector, agencies and other relevant entities, as appropriate;
- **i.** to collaborate with the relevant national institutions to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of the law;
- **j.** to provide the group of experts, as referred to in article 66 of the Istanbul Convention, with the information collected pursuant to this article in order to stimulate international cooperation and enable international benchmarking;
- **k.** to ensure that the information collected pursuant to this article is available to the public;
- **l.** to conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including those in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations (NGOs) to increase awareness and understanding among the general public of the different manifestations of all forms of GBV&DV and the need to prevent and address such violence;
- **m.** to ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of the law, as well as any means of redress available;
- **n.** to collaborate with the educational authorities to educate students on the forms of violence covered by the law and the preventive measures in their regard.

1. Chapter 481 of the Laws of Malta
D. A GENDER PERSPECTIVE IN LINE WITH THE ISTANBUL CONVENTION

GBV&DV need to be understood within a framework of gender inequality, which leaves many women disproportionately exposed to violence for no other reason than their gender and the social expectations linked to it.

The Istanbul Convention recognises the structural nature of such violence, which is both a cause and a consequence of unequal power relations and which limits the full advancement of women. To overcome inequality, Government is committed to implement gender equality policies and empower women. The aim is not to treat victims as helpless individuals but rather to treat GBV&DV as a societal concern, where perpetrators are reformed while victims are assisted to restore their lives and dignity as quickly as possible.

While the focus of the Convention is on all forms of violence against women, which includes domestic violence committed against women, it also recognises that there are other victims of domestic violence, such as boys and men. These may include GBTIQ men and others who are disempowered due to discrimination on various grounds. This is why, throughout this strategy as well as in the proposed legislation, Government opted to employ the term ‘gender-based violence’ rather than ‘violence against women’, as it retains a gender perspective while encompassing all the gender and sex spectrum in its definition.

Many forms of discrimination, harmful practices and gender stereotypes are the starting point for violent behaviour. For this reason, the convention and the action specifically tackle gender stereotypes in the areas of awareness-raising, education, the media and the training of professionals. It also creates the obligation to ensure that protective and support measures as well as investigations and judicial proceedings are based on a gendered understanding of violence.

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Maltese Ambassador Joseph Filletti signing the Istanbul Convention on behalf of the EU in the presence of Thorbjørn Jagland, CoE Secretary General (Strasbourg, 13 June 2017) © Council of Europe

06.02.2017
Malta Joint Statement: European institutions’ call for action

On Friday 3 February 2017, following a meeting at the Conference on the EU responses to violence against women, it was agreed to give a voice to the numerous women victims of violence in Europe and beyond.

Jointly, the Council Presidency, the Commission and the European Parliament called upon the Member States that met in Malta:
- To ratify the Council of Europe’s Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) for those member States not having done so yet;
- To fully and effectively implement the Istanbul Convention;
- To conclude and finalise the decision on the EU accession to the Convention with a meaningful scope; and
- To engage in a constructive and open dialogue with the Presidency, the Commission and the Council of Europe to clarify that the definition of gender-based violence is the violence that happens to women because they are women and to reaffirm the ongoing commitment to solve the outstanding issues.

The three European institutions also commit themselves to zero tolerance to violence against women and girls.
PART 2: THE GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE ACTION PLAN

A. ANTI-VIOLENCE MEASURES

Minister Helena Dalli presiding over an event organised by Global Citizen and Chime for Change on the margins of CSW61 to commemorate Commonwealth Day and call on national governments to level the law, including the eradication of archaic provisions that tolerate GBV&DV (New York, 16 March 2017).

Area 1: Legal Measures and Integrated Policies

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<th>ACTION</th>
<th>RESPONSIBLE ENTITY (MINISTRY)</th>
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</table>
| 1.1 Ensure that the appropriate legislative measures are adopted and effectively implemented. | a. Adoption of legal provisions in line with international best practice and the requirements of the Istanbul Convention. 
  b. Participation in GREVIO’s monitoring and reporting processes on legislative and policy measures. | CDV, HRID (MEAE) |
| 1.2 Establish effective legal protection measures, including protection orders for victims of GBV&DV. | a. Adoption of legislative measures regarding immediate protection orders. 
  b. Adoption of protocol regarding the issuance of immediate police protection orders. | MPF (MHAS) |
| 1.3 Widen the remit of CDV to take on board all forms of gender-based violence. | Adoption of legislative amendments to the Domestic Violence Act so that CDV becomes empowered to address gender-based violence and meet its obligations as the Istanbul Convention coordinating body. | MEAE |
| 1.4 Ensure that laws and administrative procedures do not prevent migrant victims from leaving violent relationships due to fear of deportation, loss of legal status or revoked custody over the children. | a. Remove the current reservation on Articles 59 and 60 of the Istanbul Convention. 
  b. Update existing residence criteria regarding the residence status of victims of domestic violence. | MEAE

Identity Malta |
1.5 Guarantee victims' rights and interests at all stages of investigations and judicial proceedings.

- a. Provision of a safe environment for victims (including their children) through court accompaniment services during investigations and court hearings.
- b. Provision of information about the case, court proceedings and available services.

Malta Law Courts

1.6 Develop a coordinated and well-resourced multi-agency approach to increase capacity building across agencies, in order to provide victims of GBV&DV with immediate, comprehensive and coordinated support.

Strengthen the multi-agency steering group led by HRID to coordinate focal points from various entities in the implementation of the standard operating procedures.

CDV, HRID (MEAE)  
NSSS (MEDE)  
FSWS (MFCS)  
DPP, MPF (MHAS)  
MUCCL  
A&E, PHC (ODPM)

1.7 Develop risk assessment and safety planning as standard procedure in crime prevention to prevent GBV&DV, and ensure special attention is given to high risk victims who face repeated incidents of violence.

- a. Professionals to develop:
  - a manual of procedures.
  - standard operating procedures.
  - multi-agency risk assessment meeting (MARAM).
- b. Professionals to conduct a risk assessment with all victims (DASH).
- c. High risk cases are to be discussed during a MARAM.

CDV, HRID (MEAE)  
NSSS (MEDE)  
FSWS (MFCS)  
DPP, MPF (MHAS)  
MUCCL  
A&E, PHC (ODPM)  
NGOs

1.8 Heighten the use of risk assessments to determine the seriousness of the situation and the risk of repeated violence in order to provide coordinated safety and support.

- a. Authorities/entities/NGOs to work in a coordinated manner and network as necessary in risk assessment, management and safety planning.
- b. MARAM and DASH assessment and management model will be implemented by the various agencies to determine the level of risk of the victim and design a safety plan.

CDV, HRID (MEAE)  
NSSS (MEDE)  
FSWS (MFCS)  
DPP, MPF (MHAS)  
MUCCL  
A&E, PHC (ODPM)  
NGOs

1.9 Provide victims with legal aid, psycho-social support and guarantee protection for witnesses.

Following a risk assessment, victims are to be referred to legal services and/or psycho-social support as necessary.

FSWS (MFCS)  
LAM (MUCCL)  
NGOs

1.10 Identify and put in place measures to ensure that investigations and judicial proceedings in relation to GBV&DV are carried out without undue delay.

Conduction of an assessment of current court procedures and practices related to GBV&DV and propose possible measures to reduce waiting time.

HRID (MEAE)  
FSWS (MFCS)  
Malta Law Courts  
DPP, MPF (MHAS)

1.11 Ensure that the judiciary, DPP and MPF refer perpetrators to perpetrator programmes.

- a. Strengthen current perpetrator programmes.
- b. Increase referrals to such programmes.

FSWS (MFCS)  
DPP, MPF (MHAS)  
NGOs

1.12 Raise attention to GBV&DV at the international and regional levels, demanding coordinated action.

Call on international and regional institutions to address GBV&DV as a public safety matter and issue the necessary strategies to tackle such forms of violence.

MEAE  
MFTP

1.13 Explore the possibility of twinning with another country to learn about their GBV&DV solutions.

Seek to conclude a Memorandum of Understanding specifically regarding the field of GBV&DV with a country that made strides ahead.

MEAE  
MFTP

Next page: One of the multi-agency steering group meetings held during the Full Cooperation: Zero Violence project (July 2017)
## Area 2: Data Collection, Research and Training

### MEASURES

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<th>ACTION</th>
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<tr>
<td>2.1 Establish a systematic collection of statistical data, disaggregated by gender, type of violence and the perpetrator-victim relationship in all fields.</td>
<td>CDV (MEAE) MEDE MFCS MHAS MJCL ODPM NGOs</td>
</tr>
<tr>
<td>a. Adoption of an inter-ministerial agreement to collect disaggregated data on GBV&amp;DV.</td>
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<td>b. To implement the definitions of types of violence in line with national law and those agreed at a European level.</td>
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<td>2.2 Conduct recurrent research in the field of GBV&amp;DV in order to study the root causes and effects, incidences and conviction rates.</td>
<td>CDV (MEAE) NSO UoM NGOs</td>
</tr>
<tr>
<td>Conduction of research to monitor developing trends on GBV&amp;DV for policy development.</td>
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<tr>
<td>2.3 Collaborate with relevant national institutions to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence.</td>
<td>CDV (MEAE) NSO</td>
</tr>
<tr>
<td>Surveys need to reflect emerging trends and steer evidence-based policy making.</td>
<td></td>
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<tr>
<td>2.4 Collect and disseminate good practices for the prevention of GBV&amp;DV, protection of victims and prosecution of perpetrators.</td>
<td>CDV, HRID (MEAE)</td>
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<tr>
<td>These practices will contribute to policy development and strengthening of support services.</td>
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<tr>
<td>2.5 Organise training on GBV&amp;DV for professionals (e.g. educational, judiciary, medical professionals, police, social workers).</td>
<td>HRID (MEAE) NSSS (MEDE) FSWS (MFCS) DPP, MPF (MHAS) MJCL A&amp;E, PHC (ODPM) NGOs</td>
</tr>
<tr>
<td>a. Provision of training in line with national legislation, emerging needs and research outcomes.</td>
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<td>b. Provision of training on risk assessment tools and multi-agency cooperation.</td>
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**One of the multi-agency meetings held towards the development of the MARAM (September 2017)**
Area 3: Awareness-Raising

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<th>RESPONSIBLE ENTITY (MINISTRY)</th>
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<tbody>
<tr>
<td>3.1 Denounce GBV&amp;DV publicly as a violation of human rights and take action against it.</td>
<td>Conduction of public awareness-raising campaigns/programmes to be held on a regular basis.</td>
<td>CDV, HRID (MEAE), MEDE, MFCS, MHAS, MJCL, ODPM, NGOs</td>
</tr>
<tr>
<td>3.2 Raise awareness on GBV&amp;DV, using all available means, in particular through the media and educational curricula to challenge prevailing acceptance of such violence, gender stereotypes, and discriminatory cultural norms.</td>
<td>a. Reporting guidelines for journalists and the media on issues of GBV&amp;DV. b. Education curricula to address GBV&amp;DV across various professions.</td>
<td>BA, CDV, HRID (MEAE), MEDE, NGOs</td>
</tr>
<tr>
<td>3.3 Develop specific awareness-raising initiatives aimed at men in order to mobilise them in taking an active part in eliminating all forms of GBV&amp;DV.</td>
<td>Awareness-raising campaigns to target the role of men and boys in ending GBV&amp;DV.</td>
<td>CDV, HRID (MEAE), FSWS (MFCS), MEDE, NGOs</td>
</tr>
<tr>
<td>3.4 Raising awareness on the trafficking of human persons.</td>
<td>Awareness-raising campaigns to address the risk factors in relation to human trafficking.</td>
<td>CDV, HRID (MEAE), FSWS (MFCS), Identity Malta, MPF (MHAS), NGOs</td>
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Area 4: Protection and support for victims and child witnesses

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<th>ACTION</th>
<th>RESPONSIBLE ENTITY (MINISTRY)</th>
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<tr>
<td>4.1 Ensure that victims receive adequate and timely information on available support services and legal measures.</td>
<td>a. Up-to-date and accessible information material is made readily available across various agencies. b. Provision of tailored information and services to victims who speak neither of the official tongues of Malta.</td>
<td>CDV, HRID (MEAE), MEDE, FSWS (MFCS), MPF (MHAS), Local Councils (MJCL), A&amp;E, PHC (ODPM), NGOs</td>
</tr>
<tr>
<td>4.2 Provide the necessary resources for a free 24-hour helpline relative to GBV&amp;DV.</td>
<td>a. Strengthen Supportline 179 with the necessary professional support staff. b. Strengthen current referral mechanisms among stakeholders so as to provide timely support to victims.</td>
<td>FSWS (MFCS)</td>
</tr>
<tr>
<td>4.3 Provide financial support and housing (as available), as well as training opportunities to enhance the employment prospects and thus the financial independence of victims of GBV&amp;DV.</td>
<td>Strengthen housing and training schemes for victims of GBV&amp;DV.</td>
<td>Jobsplus (MEDE), Housing Authority, FSWS (MFCS), NGOs</td>
</tr>
<tr>
<td>4.4 Ensure that support services include age-appropriate psychosocial counselling for child witnesses of all forms of violence, providing due regard to the best interests of the child.</td>
<td>Strengthen mechanisms among service providers for the provision of psychosocial services and, where necessary, update the procedures related to consent for such services.</td>
<td>FSWS (MFCS)</td>
</tr>
<tr>
<td>4.5 Provide the necessary support to children in court hearings and assist the child throughout the entire court proceedings.</td>
<td>The appointment of a support person during proceedings in line with legal requirements.</td>
<td>Malta Law Courts</td>
</tr>
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B. MONITORING AND EVALUATION

At the end of each quarter covered by this document, the HRID will draw up a report focusing on progress achieved with implementation. The report will be discussed within the Steering Group, and feedback taken on board. An annual report will be generated on the progress of the action plan and will be presented to the MEAE Minister.

Input provided by GREVIO may lead to additional action points during the implementation period of this strategy and action plan.

One of the training sessions on GBV&DV held for professionals in partnership with the University of Worchester (October 2017)
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