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SOAR SERVICE: survival of abuse with resilience

**National Conference:
MY PROTECTION FROM VIOLENCE, MY HUMAN RIGHT: MY GOVERNMENT’S RESPONSIBILITY -
A CALL TO ACTION
4th December 2015**

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Recommendations that emerged from the Workshops

During the SOAR Conference, over 150 participants participated in the 8 workshops that were organised on the day. Survivors of domestic violence joined various practitioners in the field and together they discussed common issues, obstacles in the system and the Istanbul Convention. Below are the results of these workshops, highlighting present situations and recommended solutions that have come directly from survivors, civil society and the persons from various sectors working in the area of prevention, protection and prosecution. The situations highlighted by the participants and their recommendations have been grouped by sector.

Phase 1: Measures that could be implemented by tapping into existing resources or using present resources differently.

Phase 2: Measures that could be implemented using existing resources and investing in new ones to step up, improve and introduce new services and practices.

Phase 3: Measures that require the setting up of a new framework and/or bridging together different sectors for an inter-disciplinary coordinated service.

Situation	Recommendation	PHASE
EDUCATION AND SCHOOL COMMUNITIES		
<p>1. Domestic violence is characterised by gender stereotypes and inequality in society, leading to the imbalance of power and control within intimate relationships.</p>	<p>Development of a National Programme on Relationship Education with segments for different age groups. The programme should target all genders.</p>	<p>2</p>
<p>Problematic attitudes and beliefs held by men about their ‘rightful’ power over women contributes to the violence.</p>	<p>The national curriculum should give due attention to stereotypes about gender roles and gender power. This will assist in reducing the</p>	<p>1</p>

	harmful belief that men, simply for being men, have a right to power and control over women.	
2. Teachers are sometimes afraid of listening to the problematic issues and stories related by their students; they feel overwhelmed and helpless.	Teachers need access to training in how to support students who divulge their problems and worries. This stance validates the child and their reality and encourages students to continue to trust their teachers. Teachers would then move to the next phase, as they normally do, of referring the child to the student support services.	1
3. Children who are caught up in the harrowing experience of witnessing domestic violence are often deeply affected by it directly and even indirectly eg. trauma of watching, leaving home, changing schools, fear of losing parents etc.	Counselling services need to be stepped up, with a programme designed specifically for children who are traumatised by domestic violence enabling their concerns and fears to be addressed.	2
4. Students lack meaningful opportunities to participate in problem solving and decision making processes.	Students' Councils could be trained in conflict resolution and mediation techniques which will serve them well in life. Summer programmes for students interested in problem solving and decision making could be designed and organised.	2
5. Children are often the invisible victims of domestic violence. Services exist for female victims, but parents often complain of not knowing how to help their traumatised, fearful or angry children.	Therapeutic groups for school children who are experiencing or have experienced and witnessed domestic violence need to be organised. Art and drama therapy are effective approaches in this area.	1
6. Teachers do not as yet have compulsory in-service training on gender violence, gender myths and rape myths.	Training educators on how to tackle issues of violence, gender myths and rape myths is essential.	1
7. Staff from the Child Safety Services of the Directorate Student Services of the Ministry of Education and Employment notice behaviour patterns among children suffering or witnessing domestic violence that include withdrawal from contact with peers or bursts of aggressive behaviour. Oftentimes, educators learn about the underlying cause by accident. Change of school and shame further compound the withdrawal.	The school community needs to be sensitised to this reality to understand the need to move away from judgemental preconceived ideas about how mothers become stuck in these situations. This will enable better communication between the mother and the school.	1

COURT AND JUSTICE	PHASE	
<p>8. Survivors complain of long waits for and the unavailability of legal aid lawyers. They also complain of the low standard of knowledge on the subject of domestic violence some lawyers have, as family law would not be their area of legal practice.</p>	<p>The Legal Aid Service must be stepped up to meet current demands. Lawyer training is needed. Clients need a means of applying for a change in lawyer if they are not satisfied with the service. Legal Aid clients should be matched with lawyers with experience in the field that the client's case falls into.</p>	<p>1</p>
<p>9. Oftentimes, prosecutors, lawyers and judiciary are unable to understand the patterns of abuse in domestic violence.</p> <p>Judges and Magistrates may experience burnout when hearing a high volume of domestic violence cases.</p>	<p>Support for the judiciary needs to be addressed. Support provision would include the formulation of a protocol on how best to proceed in cases of domestic violence, the appointment of more magistrates and judges and providing them with access to psychological and emotional support.</p>	<p>2</p>
<p>10. Even though the Istanbul Convention states that every victim has a right to be assisted by a lawyer so that she knows her rights. This system is still not implemented in an effective manner at the Courts of Law. Oftentimes the victim meets the appointed legal aid lawyer for the first time minutes before the court hearing.</p>	<p>The appointment of a legal aid lawyer for victims of crime should start well before the date of the court hearing. This will give the lawyer and the victim time to discuss the events that took place, the victim's rights and possible outcomes.</p>	<p>1</p>
<p>11. Social Workers and support workers in court during the case hearings lack secure and private spaces to speak with and be with victims.</p>	<p>Such spaces urgently need to be created in Court.</p>	<p>2</p>
<p>12. Sentences meted out do not always reflect the severity of the crime committed. Domestic violence is still seen as a private issue rather than as a crime against a human being. Victims remain unprotected even after going to court and perpetrators flout treatment orders because there are no consequences for them when they do so.</p>	<p>Court sentencing needs to be significantly harsher so as to reflect the nature of the crime. Fines need to be higher. Protection orders or personal guarantees need to be resorted to especially in cases where the perpetrator is a substance abuser, is diagnosed with mental illness (such as morbid jealousy), or is physically violent and controlling</p>	<p>1</p>
<p>13. Court hearings: there are too many cases appointed to be heard in one day and not enough judiciary members for the demand.</p>	<p>An increase in judiciary is needed to hear cases of domestic violence. There need to be less cases heard in one day for each judicial member.</p>	<p>2</p>

<p>14. Victims of varying degrees of domestic violence must still go through family mediation despite the imbalance of power between the couple renders the mediation process an unjust and therefore an abusive one. At times, Mediators do not realise there is a pattern of abusive behaviour and refer the couple to family therapy which continues to raise risks for a victim of domestic violence.</p>	<p>Before Mediation starts, a Lethality Screening Test should be administered individually, in order to determine whether domestic violence is an issue within the case before them. The Mediator would then be in a better position to decide if there exists a high-power imbalance (intimidation and fear) between the couple and whether it is safe to have the parties in the same room to avoid further psychological harm to the victim, and the threat of violent outbursts.</p> <p>Solutions for the victim of domestic violence should be found other than the present confrontational model. Victims should also have the option of opting out of the mediation altogether.</p>	<p>2</p>
<p>POLICE</p>		<p>PHASE</p>
<p>15. Eight (solved) femicides that happened between 2010 and 2015 are all related to domestic violence. All the victims were female. Some of these victims had made contact with the police to report other incidents of domestic violence, such as acts of attempted strangulation. Regarding strangulation, research shows it to be a very strong indication of a high femicide risk. There is no proper risk assessment tool used at police station level.</p>	<p>In every report of domestic violence, trained professionals need to ensure that a proper risk assessment tool is used at police station level to assess the risks to the victim and that the relevant safeguards are then put into place to protect the victim and any children.</p>	<p>1</p>
<p>16. It is clear that a high amount of domestic violence victims experience secondary trauma when lodging a report to the police. This is due to a lack of empathy, and trust in the victim. Unless effective support is immediately available at this stage, the victim will most probably retract her decision and return to the abusive situation.</p>	<p>Standardisation of practices and better liaison between key practitioners who need to respond to a report, namely the police, health professionals, social workers and other support workers, is essential.</p>	<p>2</p>

<p>17. Survivors very often complain about the way they are treated at police station level and at health clinics and are often left not knowing what their rights are, how to get help.</p>	<p>Specialised domestic violence response team: The setting up of an on-call multi-disciplinary team (namely social work, health, police, and counsellors) to act as one co-ordinated system. This could work similarly to how the Sexual Assault Response Team (SART) was envisaged <u>before launch</u>. The police or healthcare providers would be able to call on this team to assist the victim with risk-assessment, lodging a report, accompaniment to a health centre if needed, answering questions about victims’ rights and referrals to a shelter or other support services. The victim should also be able to call the team directly and arrange where it would be best to meet (the closest or another police station, health centre, Aġenzija Appoġġ etc).</p>	<p>3</p>
<p>FAMILY WELFARE SERVICES</p>		<p>PHASE</p>
<p>18. Experience in the field shows that in a situation where Domestic violence is deriving from morbid jealousy, schizophrenia or other conditions; it is beneficial to explore the possibility of medical treatment for the perpetrator.</p>	<p>Address the need of having a seconded psychiatric nurse as part of the Domestic Violence Services team at Aġenzija Appoġġ</p>	<p>1</p>
<p>19. When social welfare benefits are sent to the head of the household, the perpetrator continues to wield total control over the family finances. Women who are separating to protect themselves and their children from more abuse find themselves in added financial hardship. They also face loss of work or barriers to finding a job. Victims often end up returning to the abusive relationship because of extreme poverty and homelessness.</p>	<p>A review needs to be undertaken to reflect contemporary movement towards egalitarian family structures and encourage women’s economic empowerment.</p>	<p>1</p>

<p>20. Victims, who are most often women, are likely to have already suffered financial abuse and often leave their violent relationships in a state of personal financial ruin. When there are children, the situation is made worse when the non-custodial parent, who is responsible for making monthly child support contributions, fails to do so. This comes at additional costs and suffering to the custodial parents and children. The withholding of child support payment is popularly used by the non-custodial and abusive partner as a tool for blackmail and further control and violence. Children are often embroiled in the requests and the passing around of money between parents.</p>	<p>The non-custodial parent should be required to make child support contributions (as per court decree) directly to a state agency or department. The state agency or department will issue contributions of the amount to the custodial parent, irrelative of whether or not contributions by other parent have been made or defaulted. The state agency or department is then responsible for recovering defaulted contributions from the non-custodial parent.</p> <p>This measure:</p> <ol style="list-style-type: none"> 1. Ensures an uninterrupted flow of child support. 2. Prevents the hardship experienced by custodial parents and their children, when contributions are not made. 3. Eliminates the possibility of withholding child support as a tool for control by the non-custodial parent. 4. Alleviates the legal burden, from the less financially powerful custodial parent, of suing for defaulted contributions. <p>Removes the direct financial link between estranged parents, freeing children up from the role of ‘messenger’.</p>	<p>3</p>
<p>21. The time victims spend in shelters is limited. Practitioners do not have the necessary time to carry out an in-depth assessment of the effects that witnessing domestic violence would have had on the domestic violence victim and her children. Sometimes, the constant anxiety and stress generated by the trauma experienced by victims, pushes victims to vent their frustration and anger on their children. Similarly, children often identify with their abusive parent and end up transferring their anger on the victim-parent</p>	<p>Victim parents need to access therapy and training. Domestic-violence-specific parenting skills courses should be available for parents. A solution should be explored for teenage children who then become violent with their mothers.</p>	<p>1</p>
<p>22. Perpetrators often try to find new ways to exert control over their partners even after the partner has left. One of the common ways this is done is by refusing to give consent for educational opportunities and physical or psychological health interventions for their child. There are cases where children are not attending school because the father refuses to sign the required consent forms. This refusal has a negative impact on the wellbeing of the child and costly legal redress pushes the mother into further poverty.</p>	<p>A Child Protection Board for the wellbeing of the child should be set up to review the case in a short time, make a decision and enforce a temporary order for the intervention to go ahead in the best interests and the protection of the child.</p>	<p>2</p>

HEALTH AND WELLBEING		PHASE
23. Many doctors, especially in Health Centres, do not write a detailed report on the injuries sustained by a victim of domestic violence, mostly to avoid being called as witnesses in court. Victims do not know who to speak to or where to complain about this minimisation of injuries.	Medical reports: More needs to be done in raising awareness with medical practitioners about the responsibility they have towards their patient to fill-in a properly detailed report. Safeguards should be in place to see that these practices are halted.	1
24. There is still a lack of awareness in the community at large on domestic violence. This is often seen in reactions that survivors have received from family and friends who may think that domestic violence is simply something you walk away from and 'get over'.	Nationwide Awareness Raising Campaigns need to also address how difficult it really is to leave an abusive relationship and the real dangers that lie at those crucial moments. Campaigns need to be well thought out, professional and better financed.	1
RESEARCH		PHASE
25. There is a lack in the understanding of prostitution as a form of violence against women among some professionals, public officers and policy makers. There is even less understanding about the link between domestic violence and prostitution.	A meta-analysis needs to be undertaken about the intrinsic link between domestic violence and prostitution.	1
26. There has been various research related to domestic violence conducted locally, but there exists no meta-analysis of this research.	A meta-analysis of local research should be conducted for a broad understanding of the local scenario.	1
NGOs & MULTI-SECTORAL NETWORKING		PHASE
27. Voluntary Organisations are key stakeholders in policy review and development. They are insufficiently invited to be involved in this area.	The Malta Council for the Voluntary Sector (MCVS) could organise a course on how to analyse policies and formulate feedback and recommendations to policy makers. Policy makers across sectors are urged to consult stakeholders from the outset of the policy development and reform process.	1
28. The lack of meetings between professionals coming from different sectors was highlighted (e.g. Social Workers, Housing Authority, Social Services, ETC, educational sector, etc.). A family's situation could be handled far better if different professionals understood the various elements of the situation so as to adopt a more holistic approach.	A multi-sectoral network of service providers and stakeholders should be set up to facilitate effective collaborative practices. There is a need for different stakeholders within different sectors directly and indirectly involved in domestic violence to network and	1

<p>NGOs, Shelters, Aġenzija Appogg, Vice Squad, Legal firms, Front-liners. Housing, Commission on domestic violence, School psychosocial practitioners etc. are not always aware of what services exist for domestic violence and what the opportunities and problems are for those services.</p>	<p>discuss so as to learn about the opportunities and the obstacles that each stakeholder and their service-users face.</p>	
<p>BRINGING POLICY AND LEGISLATION IN LINE WITH THE ISTANBUL CONVENTION</p>		<p>PHASE</p>
<p>29. Police can take the perpetrator to court within a few days. However, this rarely happens. When the case is not flagged as urgent, the case can take up to 8 or more months to be heard. Increasingly, violent partners are allowed to molest, threaten, harass, beat or even kill their partners between the date of the lodged police report and the date of the court hearing.</p>	<p>Given the nature of Domestic violence, the fact that the persons are often related or living together and often have children in common, the hearing should be fast tracked for all cases. Protection orders cannot wait until the date of the first hearing and need to be issued immediately.</p>	<p>2</p>
<p>30. Despite Malta having ratified the Istanbul Convention and passed a new <i>Victims of Crime Act</i>, the reality has not changed much. Many times, practitioners themselves do not know about the legislation, or how their clients may access new provisions.</p>	<p>Policy makers are urged to implement the provisions of the <i>Istanbul Convention</i> and the <i>Victims of Crime Act</i>. Related measures include the training for professionals and commitment by the government to ensure that ALL VICTIMS have access to the legislative provisions.</p>	<p>1</p>
<p>31. Mostly, victims are forced to leave the matrimonial home. In extreme cases where the risk of serious injury or femicide is high, sometimes only some women are referred to shelters. For the vast majority, victims end up becoming displaced because of the massive psychological impact that other forms of violence are having on her and her children. In these cases, the victim and her children endure further trauma, financial loss, insecurity and upheaval (change of schools etc.). In such cases, they must find accommodation elsewhere, becoming homeless in the process, while the perpetrator comfortably occupies the matrimonial home.</p>	<p>Emergency Barring Orders must be implemented forcing the perpetrator to leave the matrimonial home and not come within a set distance of the home, in line with the provisions set out in Article 52 of the Istanbul Convention: <i>“Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk.”</i></p>	<p>1</p>
<p>32. Shelters complain of cuts in government funding. This endangers the safety of victims and their children.</p>	<p>The Istanbul Convention (Article 8) states that the government should allocate appropriate financial resources to NGOs carrying out work that prevents and combats all forms of violence covered by the scope of the convention.</p>	<p>1</p>

<p>33. Victims and survivors of domestic violence often complain of insensitivity, judgmental attitudes and lack of empathy by various professionals and practitioners that they meet as a result of their experience. These professionals come from diverse fields of practice: education, social care, health, mental health, law, and others.</p>	<p>Training of professionals needs to become more substantial - from induction stage to continuous professional development levels. The Istanbul Convention insists on training in Article 15. Substantive modules on domestic violence and violence against women need to be mainstreamed across all courses for professionals.</p>	<p>1</p>
<p>34. The current national policy development system in the area of prevention of domestic violence is disjointed.</p>	<p>An inter-ministerial mechanism needs to be tasked with the responsibility of developing a national prevention plan within a very specific time-frame.</p>	<p>1</p>
<p>27. A substantial amount of research argues that a victim of domestic violence is most at risk when she decides to leave her partner. Between the time of reporting and the time of appearing in court, women are not protected by any measure. Protection Orders cannot be imposed before the first court date, which generally come many months after the date of the report.</p>	<p>Safety measures such as Emergency Protection Orders must be implemented prior to court hearings. Articles 50 and 53 of the Istanbul Convention provide for these measures.</p>	<p>1</p>
<p>35. Domestic violence offenders often face very minimal consequences for their actions and many go on to commit further violence on new unsuspecting partners. The UK has found that keeping a register of offenders could prevent others from being harmed and could even save lives. This is commonly referred to as Claire’s Law, where a current partner could, with good enough reason, request to know if their partner’s name was on the offender’s list.</p>	<p>A register of offenders should be introduced, with a mechanism that allows justified checks to be made by individuals who could be directly affected.</p>	<p>3</p>
<p>36. Mothers are still expected to take on the principal full-time parenting role. If a career needs to be put on hold to care for others, it most often is the woman’s career that is expected to be put on hold. The inequality in our society and culture enables domestic violence to continue to be perpetrated.</p>	<p>Nationwide parental programmes and prevention policies for men need to be introduced. The Istanbul Convention makes provisions for gender equality in policy making in Articles 1, 4, 5, 13, 14 and 15, recognising that gender equality is a fundamental element in the prevention of violence on women.</p>	<p>2</p>