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Opinion: Femicide bill is not discriminatory

Opinion Gender

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Flowers laid in memory of Paulina Dembska, inset, at the site of her murder in Sliema. Photos: Matthew Mirabelli/Facebook

In the noise that ensued following the tabling of the femicide bill, it is clear to me that many have not understood what the bill, as proposed, is about. Let me make one thing clear, this is not a law recognising femicide as a separate offence, but merely recognising femicide in the consideration of punishment.

I am further perplexed at the attempt to disqualify the bill on the grounds of equality while having complete disregard to the absolute disparity in our country when it comes to gender.

based violence. This, for me, reaffirms that the problem is deeper than I thought.

Anybody can be a victim of domestic violence. Our laws already reflect that. Anybody can also be a victim of gender-based violence. Our laws reflect that too. So much so that we transposed the Istanbul convention, a tool that specifically targets violence on women, into our laws using gender neutral language.

However, this does not mean, that when it comes to power dynamics between genders, all things are equal. By far, the vast majority of victims of domestic violence are women. By far, the vast majority of victims of gender-based violence are women. And regardless of the gender of the victim, by far the probability is that the perpetrator of the violence is a man. This our laws do not reflect.

It is this gender blindness that then colours how we deal with the extent of the problem. I can tell you after years of working with victims, we are not dealing with it very well and all the figures and statistics stand testament to that. UN reports confirm it, the Fundamental Rights Agency studies confirm it, the EIGE confirms it, the Euro Barometer confirms it, GREVIO has confirmed it and our own local research confirms it.

We have a problem with violence on women, or, to make it clear, with men perpetrating violence on women. Yes, there is no doubt that the elimination and prevention of any form of violence in society, regardless of who is the victim, is something we should strive for. But to ignore this massive gender imbalance is to prevent us from looking for causes and origins of it and finding best ways to deal with it and eliminate it.

Inserting the idea of femicide in our law is not a solution by itself and it will not solve the problem of femicide and violence against women. Far from it. But, by naming it, we are making it visible. There are more steps to follow that will require determination and political will. I will continue working towards that.

Let us go back to the Istanbul convention. Can I point everyone toward article 4 of the convention, which is part of our laws, that was drafted in line with the CEDAW and that states that special measures to protect women only are not discriminatory? A law can be argued to be discriminatory if such law is disproportionate.

But, as was stated by the European Court of Human Rights in *Abdulaziz, Cabales and Balkandali vs the United Kingdom* “a difference of treatment is discriminatory if it has no objective and reasonable justification, that is, if it does not pursue a legitimate aim or if there is not a

reasonable relationship of proportionality between the means employed and the aim sought to be realised". Wanting to prevent violence on women is an "objective and reasonable justification".

If none of this is enough to convince you and if you still think that the law on femicide is discriminatory against men, then I kindly ask for consistency. If you think that it is wrong and discriminatory to use the law to target one gender, then it is equally wrong and discriminatory to use the law to target women only. We have on our books a law on abortion that targets and criminalises women. I therefore invite you to join me and women in Malta in our quest to expunge this blatant discriminatory atrocity.

Of course, there is a world of difference between access to abortion that is recognised as a right and necessary part of women's healthcare in most of the world and killing of a woman which is a crime the world over. Yet it serves to illustrate the point: we are very loud in protecting the rights of violent men while simultaneously very efficient in denying the rights to women, and all that while repeating that we are all for gender equality.

To conclude, the law on femicide is not the end of it all, but it's where we can have everyone pull the same rope in our quest to eliminate violence against women.

Surely, that's something everyone can support.

Lara Dimitrijevic is Director of the Women's Rights Foundation

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