

<ul style="list-style-type: none"> Deleted Items (38) Drafts (5) Inbox Junk E-mail Sent Items <p>Click to view all folders</p> <ul style="list-style-type: none"> Qari tal-Provi quarantine Manage Folders... 	<p>FW: Removal of the last protection in Maltese law for unborn children</p> <p>Grech Stephen at Parlament-MT</p> <p>Sent: 09 March 2018 15:10</p> <p>To: Grech Stephen at Parlament-MT</p> <p>Attachments: Ittra Harsien Trabi ghadh~1.docx (28 KB) (Open as Web Page); Letter re Legal Protection~1.docx (27 KB) (Open as Web Page)</p>
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From: St.Jeanne Antide Foundation [<mailto:sjafngo@gmail.com>]
 Sent: Monday, 05 March 2018 22:08
 To: ParInfo at Parlament-MT <parlinfo@parlament.mt>
 Cc: Salvina Bezzina <sistersalvina@gmail.com>
 Subject: Removal of the last protection in Maltese law for unborn children

To: Chair, Social Affairs Committee, Parliament of Malta
 Hon Chairperson,

We formally bring to your attention this letter to the Social Affairs Committee
 Maltese and English versions are attached

Regards,

Sr Salvina Bezzina

Viċi-President tal-Governing Board, St Jeanne Antide Foundation

Għan-nom tal-President u l-Governing Board

NGO Reg. VO/0005 SJAFNGO@gmail.com<<mailto:SJAFNGO@gmail.com>>,

51 Triq Hal Tarxien, Hal Tarxien. www.antidemalta.org<<http://www.antidemalta.org>>

Removal of the last protection in Maltese law for unborn children
 (attached)

It-Tneħħija ta' l-unika protezzjoni fil-liġijiet ta' Malta għat-trabi li għadhom
 ma tweldux
 (attached)

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ST JEANNE ANTIDE FOUNDATION (SJAF)

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SJAF is a registered social purpose Foundation that offers a range of services to vulnerable families at risk of social exclusion and poverty - VO/0005.

Donate to SJAF: for a €4.66 donation, send a blank SMS to 50618095 (Go/Vodafone/Redtouch subscribers). Or address cheque to St Jeanne Antide Foundation, 51 Tarxien Road, Tarxien TXN 1090. For local bank transfers: APS 2000 0681 886 HSBC 013175021001 BOV 4002003379-0 BANIF 00210404101

AFFILIATIONS: Mental Health Association; Anti-Poverty Forum - Malta; SKOP (Solidarjetà u Koperazzjoni); Malta Health Network; Aġenzija Żgħażaġh, Platform for Human Rights Organisations in Malta (PHROM)

Publications:

SJAF Monthly e-Magazine: accessible from
<http://www.antidemalta.org><<http://www.antidemalta.com/Newsletters/Newsletters.htm>>

Book for Youth Workshops on violence in relationships: Caterpillar in a Jar

Book written by children for children on difficult life experiences: Il-Mela Darba Tiegħi

Joint publications of the Mental Health Association Malta and SJAF for relatives of mentally ill persons:

Bdoti fil-Maltemp - Kif tiegħu hsieb marid b'mard mentali.

Il-Kwiekeb fid-Dlam Jixegħlu -vjagġi ta' tama mterrqa minn qraba ta' persuni b'mard mentali. (Maltese version).

English version available in e-book format: Stars Shine Brightly in the Dark - journeys of hope of relatives of mentally ill persons (accessible from www.antidemalta.org<<http://www.antidemalta.org/>>)



Data: 5-Marzu-2018

Min ghand: Governing Board, St Jeanne Antide Foundation, SJAFNGO@gmail.com

Sugġett: Niprotestaw b'mod qawwi u urġenti kontra il-proċess attwali li bih qed jitnehha mill-Liġijiet ta' Malta ir-rikonoxximent tal-istatus u d-drittijiet tat-trabi li għadhom ma tweldux; b'rabta mal-klawżola protettiva fil-liġi prezenti dwar Vjolenza Domestika, li hu ppjanat li titnehha bla ma titqiegħed oħra f'lokha fil-liġi proposta ġdida skont Abbozz Nru. 14 - Abbozz ta' Liġi dwar il-Vjolenza Abbażi ta' Ġeneru u Vjolenza Domestika

Fil-qosor:

- 1. Nilqgħu favorevolment miżuri misternija u meħtieġa sa minn żmien twil kontra l-vjolenza domestika.*
- 2. Nirrikjedu li tiddaħhal fil-liġi l-ġdida klawżola li tirrikonoxxi l-istatus u d-drittijiet tat-trabi li għadhom ma tweldux; dan għaliex l-unika klawżola bħal din fil-liġijiet ta' Malta hija 481:1:3, illi issa ser tiġi annullata meta l-liġi prezenti tiġi sostitwita mill-liġi l-ġdida*
- 3. Inheggu li dan hemm bżonnu anki bħala aspekk tal-ħarsien kontra l-vjolenza domestika, peress li r-riċerka xjentifika turi li l-vjolenza domestika tagħmel ħsara lit-trabi li għadhom ma tweldux*

1. NILQGHU FAVOREVOLMENT BIL-QAWWA MIŻURI KONTRA L-VJOLENZA DOMESTIKA.

Nilqgħu bosta miżuri, li suppost ilhom ħafna li tteħdu, sabiex inaqqsu l-prevalenza tal-vjolenza domestika u l-konsegwenzi devastanti u kultant fatali f'Malta fuq il-ħajja ta' vittmi u superstiti, fuq is-soċjetà, u fuq il-kultura, inklużi l-istatus tan-nisa u l-kultura ta' impunità madwar il-vjolenza domestika, li taffettwa il-ġeneri u l-etajiet kollha.

Nilqgħu l-miżuri relatati ta' prevenzjoni; sensibilizzazzjoni; edukazzjoni; taħriġ ta' professjonisti; programmi ta' intervent preventiv u ta' trattament għal dawk li jikkommettu l-vjolenza u għall-vittmi u s-superstiti; l-affermazzjoni u l-appoġġ tad-drittijiet tal-vittmi; aktar effiċjenza u razzjonalizzazzjoni tar-rappurtar inadegwat, tar-rekords, tal-proċeduri ta' respons forensiċi, legali, ġuridiċi u psikologiċi; postijiet għall-kenn; u helplines. Nagħrfu l-importanza kruċjali tal-istima proattiva tar-risku mill-pulizija u s-servizzi tal-welfare soċjali meta tiġi rrapurtata vjolenza domestika; kif ukoll azzjoni proattiva bbażata fuq din l-istima tar-riskju. Ahna nilqgħu wkoll miżuri għall-appoġġ tal-vittmi ta' vjolenza sesswali; il-protezzjoni u l-appoġġ għal xhieda li tinagħta mit-tfal; il-kumpens għall-vittma; u t-titjib tas-sigurtà u d-dinjità frabta mad-drittijiet ta' żjara. Ahna nilqgħu l-kriminalizzazzjoni tal-vjolenza fiżika jew sesswali kollha u tal-attività sesswali mhux konsenswali, l-insegwiment abuziv u l-vjolenza psikologiċa.

2. NIDDEPLORAW BIL-QAWWA T-TNEHHIJA TAL-HARSIEN LEGALI U R-RIKONOXXIMENT GHAT-TRABI LI GHADHOM MA TWELDUX.

Madankollu, ebda waħda mill-pożizzjonijiet kontra l-vjolenza domestika msemija hawn fuq ma jiġġustifikaw b'ebda mod l-eskluzjoni tar-rikonoxximent tal-istatus u d-drittijiet tat-tarbija mhux imwiela mil-leġiżlazzjoni Maltija. *Għall-kuntrarju*, ahna nikkunsidraw li huwa ovvju li t-tarbija mhux imwiela hija fost il-vittmi f'każijiet ta' vjolenza domestika fuq nisa tqal. Izda l-eskluzjoni tar-rikonoxximent u d-drittijiet tat-tarbija mhux imwiela mil-leġiżlazzjoni Maltija hija eżattament dak li qed jitwettaq bhalissa bit-thassir tal-Att dwar il-Vjolenza Domestika eżistenti favur l-Att ġdid propost dwar Vjolenza Domestika li għaddej minn seduta ta' kumitat [Abbozz Nru. 14 - Abbozz ta' Liġi dwar il-Vjolenza Abbażi ta' Generu u Vjolenza Domestika]. Il-punt in kwistjoni huwa l-klawsola protettiva fil-liġi eżistenti ta' vjolenza domestika li ilha fis-seħħ 12-il sena, li qiegħed jiġi mneħhi mingħajr sostitut adegwat fil-liġi l-ġdida proposta:

481:I:3 Kapitolu 481 Att dwar il-Vjolenza Domestika 28 ta' Frar 2006 ... Parti I. ... 3: "vjolenza domestika" tfisser kwalunkwe att ta' vjolenza, anke jekk verbali, imwettqa minn membru tad-dar fuq membru tad-dar ieħor u tinkludi kwalunkwe ommissjoni li tikkawża ħsara fiżika jew morali lill-oħra; "membru tad-dar" tinkludi: ... ix) it-tifel konċepit iżda għadu mhux imwieled ta' xi waħda mill-persuni msemija fil-paragrafi (i) sa (viii), it-tnejn inkluzi;

Din il-klawżola tidher li hija L-UNIKA klawżola fil-Liġijiet attwali ta' Malta li tirrikonoxxi l-eżistenza ta', u xi drittijiet għal, it-tarbija mhux imwiela. Hemm liġi kontra l-abort iżda ma tirrikonoxxix drittijiet tat-tarbija mhux imwiela. Ahna nipprotestaw kontra t-tneħħija tal-klawżola 481:I:3 mingħajr dispożizzjoni simili jew aktar b'saħħitha fl-Att ġdid dwar il-Vjolenza Domestika. Ahna mħassba hafna dwar in-nuqqas ta' ġustifikazzjoni magħrufa minn din it-tneħħija tal-unika protezzjoni legali tagħna għat-tarbija mhux imwiela. Ahna mħassba biex naraw li, kemm jekk deliberatament u kemm jekk le, dan jista' jkun parti minn miżuri pubbliċi moħbija jew mhux magħrufa li jhejju t-triq għal aborti aktar faċli bhala reazzjoni għall-pressjoni mill-Kunsill tal-Ewropa u sorsi fl-UE. Ninsistu fuq diskussjoni pubblika dwar din il-kwistjoni qabel ma jkun tard wisq.

3. IT-TFAL LI GHADHOM MHUMIEX IMWIELDA JEHTIEĠU IL-PROTEZZJONI MILL-VJOLENZA DOMESTIKA, LI TAGHMEL ĦSARA LIT-TRABI FIL-ĠUF.

Aħna nirrikjedu l-inklużjoni ta' klawżola fil-liġi l-ġdida proposta dwar vjolenza domestika, klawżola li tkun ekwivalenti għal, jew aktar qawwija minn, 481:I:3 għar-rikonoxximent u d-drittijiet tat-tarbija mhux imwielda. Dan huwa meħtieġ mill-għanijiet stess tal-liġi ġdida dwar il-Vjolenza Domestika, minhabba li r-riċerka xjentifika stabbiliet li l-vjolenza domestika fuq nisa tqal tagħmel ħsara lit-tarbija mhux imwielda. Din il-ħsara ssir, fost raġunijiet oħra, minhabba li l-ormon ta' stress kortisol huwa newrotossiku u jikkawża sintomi ta' trauma aktar tard. Ir-referenzi għal zewġ eżempji ta' tali riċerka huma:

(a) *Brittany K. Lannert, Antonia M. Garcia, Kathryn E. Smagur, Matthew M. Yalch, Alytia A. Levendosky, G. Anne Bogat, Joseph S. Lonstein. Relational trauma in the context of intimate partner violence. Child Abuse & Neglect, 2014; 38 (12): 1966 DOI: 10.1016/j.chiabu.2014.10.002 (based on 182 women);*

(b) *Riċerka fi King's College, London fi 2011 fuq 13,617 mara, irrapurpata fil website ta' King's College taħt it-titlu "Domestic violence in pregnancy linked to child behavioural problems."*

Xi avukati nnutaw li "Il-Konvenzjoni ta' Istanbul [ratifikata minn Malta] tgħid li mhux ser tippregudika dispożizzjonijiet tal-liġi interna li taħthom jingħataw drittijiet aktar favorevoli. Għalhekk, billi żżid mal-lista ta' persuni protetti taħt id-definizzjoni ta' "unità tal-familja" [481:I:3], "it-tarbija ikkonċeputa iżda għadha mhix imwielda", dan ikun perfettament f'konformità mal-prinċipji tal-Konvenzjoni." [Sors: *Unborn children left unprotected, Times of Malta, 2 ta' Frar, 2018, mill-avukati Sarah Portelli u Ramon Bonett Sladden*] "

Aħna għalhekk naraw kull ġustifikazzjoni għad-domanda tagħna li mhux talli ma jitneħħiex l-uniku rikonoxximent legali u l-protezzjoni tat-tarbija mhux imwielda f'Malta mingħajr diskussjoni pubblika, iżda l-Att il-liġi l-ġdida proposta għanda tinkludi klawżola qawwija li tirrikonoxxi l-istatus u d-drittijiet tat-tarbija mhux imwielda. Fl-opinjoni tagħna, hafna oħrajn li, bħalna, huma preġudikati lejn il-membri vulnerabbli tas-soċjetà tagħna, iħossuhom l-istess jekk dawn il-fatti jiġu żvelati.

Insellimlek,

Sr Salvina Bezzina
Viċi-President tal-Governing Board, St Jeanne Antide Foundation
Għan-nom tal-President u l-Governing Board
NGO Reg. VO/0005 SJAFNBFO@gmail.com,
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From: Governing Board, St Jeanne Antide Foundation, NGO Reg. VO/0005 SJAFNGO@gmail.com, 51 Tarxien Road, Tarxien. www.antidemalta.org

Subject: We urgently and strongly protest against the current process of removal of recognition of the status and rights of unborn children from the Laws of Malta; in connection with a protective clause in the existing Domestic Violence Act scheduled to be superseded without an adequate substitute in the proposed new Law of Bill No. 14 - Gender-Based Violence and Domestic Violence Bill

Summary:

1. *We welcome long awaited and badly needed measures against domestic violence.*
2. *We demand the inclusion of a clause recognizing the status and rights of the unborn child in the new legislation since, currently, the only such clause in Maltese law is 481:I:3 that will be voided on the substitution of the current law by the new law.*
3. *We urge that this is needed even as an aspect of protection from domestic violence, since scientific research has determined that such violence on pregnant women harms the unborn child.*

1. WE STRONGLY WELCOME MEASURES AGAINST DOMESTIC VIOLENCE. We welcome many long-overdue measures that aim to reduce the prevalence of domestic violence and its devastating and sometimes deadly consequences in Malta on the lives of victims and survivors, on society, and on culture, including the status of women and the and the culture of impunity surrounding domestic violence that affects all genders and ages. We welcome the related measures of prevention; awareness-raising; education; training of professionals; preventive intervention and treatment programmes for perpetrators and for victims and survivors; affirmation and support of victims' rights; streamlining and rationalising of the present inadequate reporting, recording, forensic, legal, juridical, and psychological response procedures; shelters; and helplines. We realise the crucial importance of proactive risk assessment by police and social welfare services in cases of reported domestic violence; as well as consequential proactive action based on such risk assessment. We also welcome measures for the support of victims of sexual violence; the protection and support for child witnesses; victim compensation; and the improvement of safety and dignity in connection with visitation rights. We welcome the criminalisation of all physical or sexual violence and nonconsensual sexual activity, stalking, and psychological violence.

2. WE STRONGLY DEPLORE THE REMOVAL OF THE LEGAL RECOGNITION PROTECTION FOR THE UNBORN CHILD. None of the above anti-domestic-violence positions that we hold, however, justify in any way the exclusion of the recognition of the status and rights of the unborn child from Maltese legislation. *On the contrary*, we consider it self-evident that the unborn child is among the victims in cases of domestic violence on pregnant women. Yet the exclusion of the recognition and rights of the unborn child from Maltese legislation is exactly what is in process at present by the repeal of the existing Domestic Violence Act in favour of the proposed new Domestic Violence Act currently undergoing committee hearing [*Bill No. 14 - Gender-Based Violence and Domestic Violence Bill*]. The point at issue is the

following protective clause in the existing 12-year old domestic violence act, scheduled to be superseded without an adequate substitute in the proposed new law.

481:I:3 Chapter 481 Domestic Violence act 28 February 2006 ... Part I. ...3: "domestic violence" means any act of violence, even if only verbal, perpetrated by a household member upon another household member and includes any omission which causes physical or moral harm to the other; "household member" includes: ... (ix) the child conceived but yet unborn of any one of the persons mentioned in paragraphs (i) to (viii), both inclusive;

This clause happens to be *the ONLY current clause* in current Laws of Malta that recognizes the existence of, and some rights for, the unborn child. There is a law against abortion but it does not recognize any rights of the unborn child. We protest against the removal of the clause *481:I:3* without a similar or stronger provision in the proposed new Domestic Violence Act. We are very concerned at the absence of a known rationale from this removal of our only legal protection for the unborn child. We are concerned to see that, whether deliberately or not, this may be part of hidden or unknown public measures paving the way for easier abortions in response to pressure from the Council of Europe and EU sources. We insist on a public discussion of this matter before it is too late.

3. UNBORN CHILDREN NEED PROTECTION FROM DOMESTIC VIOLENCE WHICH HARMS THE UNBORN CHILD. We demand the inclusion of a clause in the proposed new domestic Violence act that is equivalent to, or stronger, than 481:I:3 for the recognition and rights of the unborn child. This is required by the aims of the proposed new Domestic Violence Act themselves, because scientific research has established that domestic violence on pregnant women harms the unborn child, partly because the stress hormone cortisol is neurotoxic, and causes trauma symptoms later. References to two examples of such research are:

(a) Brittany K. Lannert, Antonia M. Garcia, Kathryn E. Smagur, Matthew M. Yalch, Alytia A. Levendosky, G. Anne Bogat, Joseph S. Lonstein. Relational trauma in the context of intimate partner violence. Child Abuse & Neglect, 2014; 38 (12): 1966 DOI: 10.1016/j.chiabu.2014.10.002 (based on 182 women);

(b) Research at King's College, London in 2011 on 13,617 women, reported in King's College website under "Domestic violence in pregnancy linked to child behavioural problems."

Lawyers have pointed out that "The Istanbul Convention [ratified by Malta] holds that it will not prejudice provisions of internal law under which more favourable rights are accorded. Therefore, adding to the list of

protected persons under the definition of 'family unit'[481:1:3], 'the child conceived but yet unborn', is in perfect accord with the principles of the convention. *[Source: Unborn children left unprotected, Times of Malta, February 2, 2018, by lawyers Sarah Portelli and Ramon Bonett Sladden]*"

We therefore see every justification for our demand that far from removing the only legal recognition and protection of the unborn child in Malta without public discussion, the proposed new Act should include a strong clause recognizing the status and rights of the unborn child. In our opinion, many others who, like us, are biased towards the vulnerable members of our society, would feel the same if these facts were revealed.

Regards

Sr Salvina Bezzina,
ViceChair, Governing Board, St Jeanne Antide Foundation
On behalf of the Chair and the Governing Board