



Addressing Gender-Based Violence as a Human Rights Crisis

Gender-Based Violence (GBV) remains one of the most pervasive human rights violations globally, yet despite decades of activism, legislative progress, and international commitments, the crisis continues to escalate. Each year, the world marks the *16 Days of Activism against Gender-Based Violence*, a campaign strategically positioned between the *International Day for the Elimination of Violence against Women* on 25 November and *World Human Rights Day* on 10 December. This intentional framing highlights the deep interconnection between gender justice and fundamental human rights. Violence rooted in gender inequality is not simply an interpersonal matter or a cultural practice; it is a profound failure of states to uphold the rights to life, liberty, bodily integrity, and equality before the law. As the 16 Days campaign comes to an end, it proves time and time again that public awareness alone is insufficient. Meaningful change requires a decisive shift towards embedding GBV within the core of democratic governance, human rights, and national public policy.

Introduction: Situating the Crisis within the Human Rights Framework

Women's rights are human rights, and any form of violence against women and gender-diverse individuals constitutes a direct violation of universal human rights guarantees. Yet, despite this clarity, GBV is still frequently treated as a peripheral concern; an issue delegated to social workers, NGOs, or crisis centres rather than embedded within the strategic priorities of governments. Many states engage in symbolic gestures of solidarity during the 16 Days period, but such temporary visibility rarely translates into sustained policy ambition. The problem is further exacerbated by entrenched gender norms, power imbalances, weak justice systems, and insufficient political will. Consequently, GBV persists across every continent, affecting individuals regardless of age, income level, or cultural background.

In policy discourse, GBV is often acknowledged but insufficiently resourced. National strategies are drafted yet underfunded, laws are passed but poorly implemented, and survivors continue to face systemic barriers when seeking protection or justice. A human rights approach requires a fundamental reframing: the primary responsibility for preventing and addressing GBV lies with the state, not civil society. States are legally obliged, under international human rights law, to prevent violence, protect individuals from harm, hold perpetrators accountable, and provide remedies to survivors. Recognising GBV as a human rights crisis therefore shifts the conversation from one of charity or social concern to one of legal duty, accountability, and systemic transformation.

Understanding Gender-Based Violence: A Multidimensional Phenomenon

Gender-Based Violence refers to any harmful act perpetrated against a person based on socially ascribed gender roles or power imbalances. While women and girls endure the majority of severe and fatal forms of GBV, it is essential to acknowledge that men, boys, and LGBTQIA+ individuals also experience violence driven by rigid gender norms and discrimination. GBV manifests in a spectrum of behaviours that intersect and reinforce one another. Physical violence remains the most visible form, including assault, and femicide. Sexual violence -ranging from rape and coercion to sexual harassment, trafficking, and forced marriage - constitutes a pervasive violation of bodily autonomy. Psychological violence, including intimidation, coercive control, manipulation, gaslighting, and threats, can be equally damaging, often eroding survivors' mental well-being and long-term decision-making capacity. In addition, economic violence, such as restricting access to employment, controlling bank accounts, or withholding financial resources, creates dependency and traps many survivors in cycles of abuse.



Importantly, GBV is not confined to private spheres. It occurs in homes, workplaces, schools, public spaces, prisons, migration routes, and conflict zones. In each context, GBV is shaped by structural inequalities, including class, race, citizenship, disability, and sexuality, as it is deeply embedded within broader systems of oppression.

The Broad Societal Impact: Public Health, Economic Development, and Intergenerational Harm

The impact of GBV extends far beyond the direct harm inflicted on individuals. It constitutes a significant public health crisis, undermines economic development, and perpetuates inequalities across generations. Survivors frequently experience long-term consequences such as chronic pain, anxiety, post-traumatic stress disorder, depression, substance dependence, and reproductive health complications. Health systems bear the burden of responding to these impacts, often without adequate training or resources, while the lack of specialised trauma-informed services can delay recovery and exacerbate harm.

Economically, GBV imposes staggering costs on societies. Lost productivity, medical expenses, legal proceedings, emergency housing, and long-term social support create financial burdens that ripple across both public institutions and private sectors. The World Bank estimates that violence against women costs countries up to 3.7% of their GDP, a figure that, in some cases, exceeds national investments in education or public health. These economic consequences demonstrate that GBV is not merely a social issue, it is a structural barrier to national development and global competitiveness.

The effects of GBV also echo across generations. Children who witness violence are significantly more likely to exhibit behavioural problems, experience developmental challenges, or replicate patterns of violence in adulthood. This cycle of trauma perpetuates inequality and normalises harmful behaviours, making prevention efforts less effective when states fail to intervene early. Intergenerational transmission of trauma demonstrates the urgency of viewing GBV not as isolated incidents, but as a long-term societal crisis requiring holistic policy responses.

GBV as a Human Rights Violation: State Obligations and International Frameworks

Framing domestic violence as a human rights violation transforms it from a private or social issue into a matter of positive state responsibility, a principle clearly affirmed in *Claire Pisani v Attorney General*. In this case, the Constitutional Court held that the failure of state authorities to act effectively in response to domestic violence amounted to a breach of fundamental rights, emphasising that the State has “obbligazzjonijiet pożittivi li jissalvagwardjaw is-sigurtà, id-dinjità u l-privatezza” of victims. The Court made clear that domestic violence engages the responsibility of the State not only where harm is inflicted, but where authorities fail to prevent foreseeable abuse.

The judgment explicitly recognised a violation of the applicant's fundamental rights under Article 36 of the Constitution of Malta and under Articles 3 and 8 of the ECHR. Importantly, it stressed that “l-Istat kien fid-dmir li jieħu l-passi li huma meħtieġa sabiex ir-rikorrenti tkun protetta minnu u ma tkomplex tgħix f’ħajja ta’ biża’ u dwejjaq”, reinforcing that protection from domestic violence is not discretionary but a legal obligation.

The Court further underlined that state failures in domestic violence cases can result in secondary victimisation, finding that “il-Pulizija stess ħolqu ambjent ta’ rivittimizzazzjoni (secondary



victimisation) through delays, lack of coordination, and inadequate investigation. This recognition reflects a key human rights principle: that ineffective institutional responses can compound harm and amount to independent violations of fundamental rights.

Crucially, the judgment rejects the notion that domestic violence can be treated as a peripheral or private matter. The Court found that “*huwa evidenti li s-sistema falliet, u falliet bil-kbir*”, highlighting systemic shortcomings in policing and prosecution. Such failures, the Court held, cumulatively breached the State’s obligations under both constitutional protections and the European Convention.

Taken together, *Claire Pisani v Attorney General* affirms that domestic violence constitutes a breach of multiple human rights and that state inaction, delay, or fragmentation of responses may itself amount to a violation.

Policy Recommendations: Building Resilient, Rights-Based Systems

First, Malta must move beyond formal compliance with international standards and focus on full and effective implementation of its existing obligations under the *Istanbul Convention*, which Malta ratified in 2014. While ratification represented a significant step forward, persistent gaps remain between legislative commitments and lived realities. Domestic legislation must continue to be reviewed and strengthened to ensure full alignment with the Convention’s standards, particularly in relation to coercive control, psychological violence, and the effective prosecution of domestic and intimate partner violence. Legal provisions alone are insufficient if they are not accompanied by consistent enforcement, survivor-centred judicial interpretation, and accessible remedies. In the Maltese context, this also requires addressing delays in court proceedings, limited protection order effectiveness, and barriers faced by migrant women, women with disabilities, and those in precarious socio-economic situations when seeking protection.

Second, education must be positioned as a long-term preventive tool rather than a one-off intervention, particularly within Malta’s formal education system. While elements of personal and social development education already exist, there is a need for a more structured, comprehensive, and rights-based approach to education on consent, respectful relationships, digital safety, and gender equality. These themes should be embedded across curricula and age groups, rather than confined to isolated sessions or optional programmes. In a small-state context such as Malta, where social norms are closely intertwined with cultural and religious narratives, early and sustained education plays a crucial role in challenging harmful stereotypes and normalised forms of control. Evidence-based educational frameworks can help foster critical thinking, empathy, and respect, reducing tolerance for violence over the long term.

Third, economic empowerment must be recognised as a central pillar of Malta’s national response to Gender-Based Violence. Financial dependence remains one of the strongest factors preventing survivors from leaving abusive relationships. Although Malta has made progress in employment participation, women, particularly single mothers, migrant women, and those in low-income or care roles, continue to face structural disadvantages. Policies promoting equal pay, employment security, accessible childcare, and paid parental leave are therefore not merely labour-market issues but critical GBV prevention measures. Additionally, targeted financial literacy and employment reintegration programmes for survivors can significantly strengthen autonomy and reduce the risk of re-victimisation. Without economic independence, legal protections often remain theoretical rather than practical.

Fourth, the effectiveness of Malta’s institutional response depends heavily on the training and capacity of first responders. Police officers, healthcare professionals, social workers, and



members of the judiciary are often the first point of contact for survivors, yet many continue to report experiences of disbelief, minimisation, or procedural delay. There are a sheer number of complaints filed by survivors, and the police's inability to follow up on them have contributed to reasons for the Maltese Courts branding it as a failed system. Sustained, mandatory training in trauma-informed and survivor-centred approaches is essential to prevent secondary victimisation and to build trust in public institutions. In Malta's close-knit society, concerns around confidentiality, community pressure, and fear of retaliation can further deter reporting, making sensitive and professional responses even more critical. Improving institutional culture and accountability is therefore fundamental to ensuring meaningful access to justice.

Conclusion

Addressing Gender-Based Violence is a legal, political, and democratic necessity. A society cannot credibly claim to uphold human rights while failing to guarantee safety and dignity within homes, workplaces, and public spaces. The conclusion of the 16 Days of Activism should not mark a pause in engagement, but rather serve as a reminder that GBV demands continuous, year-round action grounded in law, policy, and institutional practice.