VERŻJONI ELETTRONIKA

L.N. 180 of 2025

GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE ACT (CAP. 581)

MARAM Board Regulations, 2025

IN EXERCISE of the powers conferred by article 20(2) of the Gender-Based and Domestic Violence Act, the Minister responsible for the Foundation for Social Welfare Services has made the following regulations:-

1. The title of these regulations is the MARAM Board Regulations, 2025. Citation.

2. In these regulations, unless the context requires otherwise: Interpretation.

"Act" means the Gender-Based and Domestic Violence Act; Cap. 581.

"designated MARAM officers" means officers representing the entities listed in the Schedule;

"domestic violence services" means the domestic violence services offered by the Foundation for Social Welfare Services;

"education entity" means any of the Departments of Education listed in the Schedule to the Education Act; Cap. 605.

"entities" means all the agencies or governmental bodies or entities listed in the Schedule;

"evidence-based risk assessment tool" means an assessment that evaluates the potential for future harm by relying on tools that have been scientifically tested for accuracy, reliability and validity. Risk assessment tools provide structured, evidence-based questionnaires to classify risk and help predict and prevent severe outcomes while ensuring a personalised and reliable risk evaluation;

"FSWS" means the Foundation for Social Welfare Services;

"health entity" means any department or entity falling under the remit of the Health Ministry;

"MARAM Board" means the Board of Multi-Agency Risk

Assessment Meeting as established by regulation 3;

"Minister" means the Minister responsible for the Foundation for Social Welfare Services;

"Regulation (EU) 2016/679" means Regulation (EU) 2016/679 of the European Parliament and of the Council of of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"risk assessment" means the structured process of evaluating the level of risk experienced by victims of domestic violence;

"victim" shall have the same meaning as assigned to it in the Act;

"voluntary organisation" shall have the same meaning as assigned to it in the Voluntary Organisations Act.

Cap. 492.

Establishment and composition of the MARAM Board.

3. (1) There shall be a board to be known as the MARAM Board, the functions of which shall be carried out by the MARAM Board that shall be composed of the following members:

(a) a Chairperson who shall be appointed by the Minister in accordance with regulation 4;

(b) a person who shall occupy the post of Deputy Chairperson as appointed by the Chairperson of the MARAM Board from amongst the designated MARAM officers;

(c) designated MARAM officers, who shall be duly appointed to represent entities listed in the Schedule, which officers may only be replaced by other officers of the same entity:

Provided that the Chairperson shall have the discretion to invite other professionals or officers who may be deemed necessary during the meeting:

Provided further that the Chairperson may invite other officials from public services and voluntary organisations working in the field of domestic violence and gender-based violence to participate in the meeting depending on the case;

(d) coordinators who may be public officers or appointed

VERŻJONI ELETTRONIKA

after a call, shall be responsible as part of their duties, for the keeping of the relevant records, taking of minutes of the meetings and shall carry out such other work related to the functions of the MARAM Board as may be instructed by the Chairperson.

(2) Without prejudice to the provisions of these regulations, the MARAM Board shall regulate its own procedure.

Appointment of the Chairperson of the MARAM Board.

4. (1) The Minister shall appoint a Chairperson who shall be a person having at least eight (8) years of experience as a professional in the field of domestic violence services. Such appointment shall be for a period of four (4) years which may be renewed for further periods of four (4) years each.

(2) The Chairperson of the MARAM Board may be removed by the Minister if such person is no longer competent and fit to continue performing their functions and duties in accordance with these regulations.

Term of appointment of the MARAM Board members.

5. The members shall be appointed for three (3) years each, which period may be renewed:

Provided that this period shall only apply if such members are still serving in the entity that they represent:

Provided further that where such members are no longer serving in or employed by the same entity, their appointment on the MARAM Board shall be terminated upon termination of their employment.

Disqualification.

6. Each member may be removed by the Minister:

(a) if the Chairperson informs him that he is of the opinion that a member breached any of the policies established by the MARAM Board; or

(b) where a member has been convicted of a criminal offence affecting public trust, or related to domestic violence or any kind of violence against a third party or if he has been convicted of an offence punishable by not less than six (6) months imprisonment.

MARAM Board Meetings.

7. (1) The MARAM Board meeting shall be chaired by the Chairperson, or in his absence, by the Deputy Chairperson, or by a member elected for the particular meeting by the other members present at the meeting.

(2) The MARAM Board shall meet as often as necessary or expedient, but not less than twice (2) a month.

(3) Meetings shall be convened by the Chairperson on his own initiative or at the written request of any member.

(4) The MARAM Board shall act upon the final recommendation of the Chairperson who is presiding over the meeting and such recommendation shall always be taken in the best interest of the victims.

(5) There shall be officers who shall serve as coordinators, which officers shall have more than two (2) years of work-related experience in the field of domestic violence and it shall be the duty of the coordinators to make the necessary preparations for the MARAM Board meetings and to keep the minutes of these meetings and coordinate how such recommendations shall be executed. The coordinators shall also have a duty to ensure that the original copies of the minutes are signed by the Chairperson or the Deputy-Chairperson, whosoever presided that meeting, however in any case, not later than the following meeting and shall also ensure that such minutes are kept both electronically and in printed format. Copies of the minutes shall be distributed in electronic format to every member who was present during the MARAM Board. The coordinators shall also assume any function or role which may be conferred on them in the best interest of the performance of MARAM Board's functions.

(6) The designated MARAM officers shall attend all the meetings of the MARAM Board, except for reasons that the Chairperson deems justified.

(7) The designated MARAM officers shall inform the coordinators in writing if they are unable to attend a MARAM Board meeting, and request that their substitute designated MARAM officer attends in their stead.

(8) The discussion of the case shall be recorded in the minutes prepared by one (1) of the coordinators mentioned in sub-regulation (5).

(9) An action plan shall be drawn for each case, which shall form part of the records of MARAM Board documentation.

(10) Other public services and voluntary organisations working in the field of domestic violence and gender-based violence may be invited to participate during the sittings of the MARAM Board as the case may be.

8. Due to the exclusive nature of the meeting on high-risk cases involving victims of domestic violence, the acts and documents of the MARAM Board, including their content, shall be considered confidential and strictly inaccessible to unauthorised individuals. No person shall access, view or obtain copies thereof, except when duly authorised by the victim, or when such information or documentation is required to be provided under any law. The MARAM Board, shall ensure that the records that include personal data are stored and processed in accordance with the Data Protection Act and the record retention policy. Confidentiality. Cap. 586.

9. (1) The designated MARAM officers who need to access information held by the MARAM Board shall send a request via email to the Chairperson of the MARAM Board, with reasons justifying such request. Request for information.

(2) In the performance of its functions and duties, the Chairperson of the MARAM Board shall have the power to access, and, or request any information, limited to what is necessary for the purposes of these regulations, from any person, including those in the field of public services and education and health entities, which safeguard the interests of victims, potential victims, perpetrators and minors. Any information requested in accordance with these regulations, shall be sent to the Chairperson or the coordinators by not later than twenty-fours (24) hours prior to the meeting indicated in the said request:

Provided that if the requested information is not provided within the stipulated time frame, such default shall be minuted in the minutes of the following meeting and shall be referred to the relevant entities.

10. (1) These regulations shall be without prejudice to the applicability of Regulation (EU) 2016/679 and the Data Protection Act, including the regulations made thereunder, and the fundamental rights and freedoms of the data subjects. Data Protection. Cap. 586.

(2) The MARAM Board acting in its capacity of a controller shall perform the relevant data processing operations which are limited to the extent necessary and proportionate to the objectives pursued by law.

(3) The MARAM Board shall process personal data in full compliance with all the principles relating to the processing of personal data and integrate the necessary safeguards into the processing in order to protect the rights and freedoms of the data subjects.

(4) The MARAM Board, whilst taking into account the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for the rights and freedoms of the data subjects, at the time of the determination of the means for processing as well as at the time of the processing itself, shall implement appropriate technical and organisational measures in an effective manner and integrate the necessary safeguards into the processing, in order to protect the rights of the data subjects and to ensure a level of security appropriate to the risk.

(5) For the purposes of ensuring and of being able to demonstrate compliance with the principles relating to the processing of personal data, the MARAM Board shall implement the appropriate data protection policies, which policies shall be periodically reviewed and updated where necessary.

(6) The data protection officer designated by the MARAM Board in accordance with Article 37 of Regulation (EU) 2016/679 shall be involved and consulted in a timely manner on all issues in relation to the protection of personal data processed for the purposes of these regulations.

Restriction.

11. (1) The MARAM Board may restrict the rights and obligations provided for in Articles 12 to 22 and Article 34 of Regulation (EU) 2016/679, as well as the principles of data processing in so far as these correspond to the rights and obligations provided for in Articles 12 to 22 of Regulation (EU) 2016/679, when such a restriction respects the essence of fundamental rights and freedoms and is a necessary and proportionate measure to safeguard the interests of persons who are, or may be, at risk of gender-based and, or domestic violence.

(2) Before the MARAM Board applies a restriction in accordance with sub-regulation (1), the MARAM Board shall assess the necessity and proportionality of such measure based on the specific circumstances of each individual case. The necessity and proportionality assessment shall be documented and made available to the Information and Data Protection Commissioner, when and as requested.

(3) The MARAM Board shall inform the data subject of the application of a restriction within the timeframe as established in Article 12(3) of Regulation (EU) 2016/679, unless this may be prejudicial to the purpose of the restriction:

Provided that the MARAM Board shall justify the alleged prejudice incurred to the Information and Data Protection

Commissioner, when and as requested.

(4) The MARAM Board shall apply the restriction for as long as the reason justifying such measure remains applicable. Where the reason for a restriction no longer applies, the MARAM Board shall lift the restriction, inform the affected data subject, and comply with its obligations as established in Regulation (EU) 2016/679 without undue delay.

(5) The MARAM Board shall annually review the application of a restriction invoked in terms of sub-regulation (1) and depending on the outcome of such review, inform the data subject accordingly.

(6) The MARAM Board shall keep a register to record the restrictions applied in relation to the requests made by the data subjects. The register shall include information in relation to the data subject, the right requested to be exercised that was restricted and the reason of such restriction. Restriction of rights in accordance with Article 34 of Regulation (EU) 2016/679 shall also be recorded in the register.

Data Sharing Agreement.

12. Every entity listed in the Schedule shall be bound to enter a data sharing agreement with the Data Controller of the MARAM Board, in accordance with the provisions of Regulation (EU) 2018/1725 of the European Parliament and the Council of the 23 of October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC and the Data Protection Act, to ensure conformity.

Cap. 586.

Functions of the MARAM Board.

13. The functions of the MARAM Board shall be the following:

(a) to safeguard the interests of persons who may be at risk of domestic violence by establishing a procedure that foresees a risk of domestic violence;

(b) to make use of the risk assessment tool based on the evidence established in accordance with the Act in order that the MARAM Board is duly and promptly informed about high-risk cases of domestic violence entities;

(c) to encourage all the entities listed in the Schedule to execute the action plan recommended by the MARAM Board and provide feedback within a timely manner in accordance with the merits of the case;

(d) to provide recommendations about the action plans of the cases reviewed by the MARAM Board, to the entities listed in the Schedule;

(e) to advise the Government generally on the formulation of policies with regards to the prevention of domestic violence in Malta and to make recommendations to the Government on action which in the opinion of the MARAM Board would be expedient in relation to matters falling within its functions;

(f) to promote a comprehensive and sustainable use of resources for the safety of victims of domestic violence by means of information and data sharing on the victims, perpetrators and their dependants;

(g) to optimise resources for the safety of victims of domestic violence in Malta, through a comprehensive system of sustainable use of resources and meetings;

(h) to ensure a system which can provide policy and guidance to organisations that have the responsibility in assessing and managing family-violence risk; and

(i) to promote an effective and reliable system for the protection from domestic violence.

Risk assessment.

14. (1) The MARAM Board shall evaluate every case brought to it by every body, agency and entity listed in the First Schedule.

(2) The risk assessment required by the MARAM Board shall be based on the evidence-based risk assessment tool that is used to assess the risk of the domestic violence cases. Those resulting in high risk shall be referred to the MARAM Board.

Cap. 9.

(3) The formal risk assessment shall be carried out by professionals trained by the appointed agency in accordance with the Act and the Criminal Code.

(4) The MARAM Board shall analyse each case which, in the opinion of the professional involved in the drawing up of the formal risk assessment, may be potentially high risk, even if the victim refuses to give his consent to the assessor and, or professional.

Referral to the MARAM Board.

15. (1) Any case of domestic violence aggression reported within twelve (12) months from the last referral shall be referred again to the MARAM Board for recommendations, even where the second

VERŻJONI ELETTRONIKA

referral does not reach the local minimum level of high risk as established by the risk-assessment tool.

(2) When an entity, body or agency refers a case to the MARAM Board, the victim shall be notified. The MARAM Board shall always be informed of the latest intentions expressed by the victim, and the respective designated MARAM officer shall make every possible attempt to establish contact with the victim prior to the meeting of the MARAM Board. In case there is no contact, the reasons as to why such contact was not made shall be given during the meeting.

(3) Without prejudice to any other provision of these regulations, nothing precludes any entities which are not listed in the Schedule from referring cases to the MARAM Board, including the Office of the Commissioner on Gender-Based Violence and Domestic Violence.

Duty of the designated MARAM officers.

16. (1) The designated MARAM officers present for the meeting shall establish a mutually agreed action plan with the aim to reduce the identified risks and with due consideration for the welfare of the victim and their dependents.

(2) Any action unanimously agreed by designated MARAM officers shall be the direct and sole responsibility of the respective entities they represent, and such actions shall be executed in a timely manner in accordance with the merits of the case:

Provided that in situations where the victims and their dependants face an elevated risk of severe harm or fatality, the entities shall collectively acknowledge the assigned actions and give them the highest priority.

SCHEDULE

The following list is a comprehensive list of the Government entities, bodies or agencies that may participate in the MARAM Board, appoint designated MARAM officers and refer cases to the Chairperson of the MARAM Board:

The Accident and Emergency Department;

The Department of Probation and Parole;

Director (Child Protection);

The Domestic Violence Services;

The Education Department;

FSWS;

FSWS in Gozo;

The Malta Police Force;

The Mental Health Service;

The Primary Health Care Department;

Sedqa;

STOP! The Violence and Abuse Service;

Victim Support Agency.

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — *Printed at the Government Printing Press on FSC certified paper*

Prezz/*Price*
€0.90