

THE LIVED EXPERIENCES OF VICTIMS OF INTIMATE PARTNER VIOLENCE IN THE MALTESE CRIMINAL JUSTICE SYSTEM

Roberta Mifsud, & Chantal Avellino
Department of Psychology, University of Malta (Malta)

Abstract

Despite significant legislative reforms addressing intimate partner violence (IPV) in Malta, survivors continue to report distressing and complex experiences when engaging with the criminal justice system. This qualitative study explores the lived experiences of IPV survivors navigating Maltese legal processes from initial reporting through to case closure. Using Interpretative Phenomenological Analysis (IPA), semi-structured interviews were conducted with six survivors (four women and two men) who had direct contact with the criminal justice system. Analysis identified five interconnected group experiential themes: systemic betrayal and institutional distrust, navigating the courtroom as a victim, the lingering impact of trauma, silencing, self-blame and the fight for agency, and pathways to support and closure. Participants described early experiences of dismissal and disbelief, prolonged procedural delays, ineffective protective measures, and repeated exposure to perpetrators that intensified fear, exhaustion, and psychological distress. Legal processes were frequently experienced as re-traumatising, contributing to feelings of powerlessness and self-doubt. While some survivors accessed meaningful support through non-governmental organisations (NGOs) or individual therapy, emotional recovery and closure were often pursued outside the justice system. These findings reveal a persistent gap between legislative intent and lived reality, underscoring the need for trauma-informed, coordinated, and survivor-centred reforms within the Maltese criminal justice system to reduce secondary victimisation and support survivor recovery.

Keywords: *Intimate partner violence, criminal justice system, Malta, interpretative phenomenological analysis, trauma-informed practice.*

1. Introduction

IPV is a pervasive public health and human rights issue with profound psychological, social, and legal consequences for survivors, including increased risks of anxiety, depression, and post-traumatic stress disorder (World Health Organisation [WHO], 2013, 2021). In Malta, recent legislative developments, including the Gender-Based Violence and Domestic Violence Act (2018) and the ratification of the Istanbul Convention, were intended to strengthen victim protection, enhance institutional accountability, and align national responses with international standards (Council of Europe, 2011; Council of Europe, 2020). However, emerging evidence suggests a persistent disconnect between policy intentions and survivors' lived realities within the criminal justice system (Azzopardi et al., 2021).

International research highlights how criminal justice processes can inadvertently re-traumatise survivors through procedural delays, victim-blaming attitudes, repeated exposure to perpetrators, and insufficient emotional or informational support (Walklate et al., 2021). Survivors' interactions with legal institutions have been shown to contribute to secondary victimisation, particularly when trauma-informed principles are absent (SAMHSA, 2014). In small, close-knit societies such as Malta, these challenges may be further amplified due to limited anonymity, entrenched cultural norms surrounding family privacy, and systemic resource constraints (Scicluna & Clark, 2019). While quantitative data document prevalence rates and legal outcomes, they offer limited insight into how survivors subjectively experience justice processes over time. This study addresses this gap by examining how IPV survivors in Malta experience the criminal justice system, from initial reporting to case closure, to identify systemic barriers and emotional impacts, and inform urgently needed survivor-centred reform.

2. Literature review

2.1. Intimate partner violence and criminal justice responses

IPV is widely recognised as a serious public health, social, and legal issue affecting individuals across demographic groups. IPV encompasses physical, psychological, sexual, and coercive behaviours occurring within intimate relationships and is associated with significant mental health consequences, including anxiety, depression, and post-traumatic stress disorder (WHO, 2021). Criminal justice systems play a central role in responding to IPV through victim protection, offender accountability, and the enforcement of legal safeguards. However, research increasingly demonstrates that survivors' interactions with legal institutions are not always experienced as supportive or protective.

Research across jurisdictions shows that legal processes can be lengthy, complex, and emotionally taxing for IPV survivors. Procedural delays, repeated court appearances, and adversarial questioning may exacerbate trauma and lead to disengagement, increasing fear and emotional exhaustion, especially when survivors have limited involvement in decision-making (Walklate et al., 2021).

2.2. Secondary victimisation and institutional responses

Secondary victimisation refers to the additional harm survivors experience through negative institutional responses, including disbelief, victim-blaming, minimisation of abuse, or lack of procedural sensitivity (Walklate et al., 2021). Research indicates that such responses can significantly undermine survivors' confidence in legal authorities and deter engagement with the justice process, contributing to case withdrawal and underreporting (Orth, 2002; Walklate et al., 2021).

Closely linked to secondary victimisation is the concept of institutional betrayal, which describes the psychological impact of being harmed by institutions that are expected to provide safety and justice (Smith & Freyd, 2014). Survivors often interpret dismissive or delayed responses as a breach of trust, leading to feelings of abandonment and disillusionment (Freyd & Birrell, 2013). Research shows that institutional betrayal can intensify trauma, increase psychological distress, reduce reporting and help-seeking, and hinder long-term recovery (Smith & Freyd, 2014; Gómez et al., 2016), underscoring the need for accountable, trauma-informed responses to IPV.

2.3. Trauma-informed approaches within criminal justice systems

In response to growing recognition of the limitations of traditional legal responses to IPV, trauma-informed approaches have gained increasing attention within research and policy. Trauma-informed practice emphasises awareness of trauma's psychological impact and prioritises safety, empowerment, collaboration, and choice (SAMHSA, 2014). Within criminal justice contexts, this includes sensitive interviewing practices, clear communication, emotional preparation for court proceedings, and coordinated inter-agency support.

Evidence indicates that such practices can improve perceptions of procedural fairness, increase engagement, and reduce re-traumatisation (SAMHSA, 2014). However, implementation remains uneven, with principles often embedded in policy but inconsistently applied in practice, particularly in under-resourced or highly formalised court environments that prioritise procedure over emotional safety (Walklate et al., 2021).

2.4. The Maltese legal and cultural context

Malta has introduced significant legislative reforms to address IPV, notably the Gender-Based Violence and Domestic Violence Act (2018) and the ratification of the Istanbul Convention (Council of Europe, 2011; Commission on Gender-Based Violence and Domestic Violence, 2020). These measures aim to enhance victim protection, improve inter-agency coordination, and align national responses with international standards. However, emerging research indicates inconsistent implementation in practice, with survivors reporting court delays, limited emotional support, and variable enforcement of protection orders (Azzopardi et al., 2021).

Malta's small size and close-knit social context present additional challenges for IPV survivors, including limited anonymity, cultural stigma, and continued proximity to perpetrators, which may inhibit disclosure and hinder psychological recovery (Scicluna & Clark, 2019; Naudi, 2018). Although quantitative data document prevalence and case volumes (NSO Malta, 2022), qualitative research on survivors' lived experiences within the Maltese criminal justice system remains limited, highlighting the need for survivor-centred, trauma-informed inquiry.

3. Methodology

3.1. Research design

This study adopted a qualitative research design using IPA to explore the lived experiences of IPV survivors navigating the Maltese criminal justice system. IPA is concerned with examining how individuals make sense of significant and emotionally complex life experiences and is particularly well suited to research involving trauma, victimisation, and interactions with institutional systems. Given the study's focus on subjective meaning-making and personal interpretations of justice processes, IPA provided an appropriate and rigorous methodological framework.

The study was guided by a constructivist–interpretivist epistemological position, recognising that reality is socially constructed and understood through individual experience. Rather than seeking generalisability, the aim was to gain an in-depth understanding of how survivors perceived, interpreted, and emotionally processed their engagement with the criminal justice system.

3.2. Participants

Participants were recruited using purposive sampling and comprised six adult survivors of IPV who had prior contact with the Maltese criminal justice system. Six participants took part in the study. Four participants identified as female and two as male. The four female participants (ages 33–52) included three who accessed NGO support and one who did not access formal services. The two male participants (ages 26 and 67) both received private therapy. All participants had formally reported abuse to the police and experienced at least one stage of legal engagement, including court proceedings and/or the issuing of protection orders. The small, homogeneous sample is consistent with IPA's idiographic focus, which prioritises depth of analysis over breadth.

3.3. Recruitment procedure

Participants were recruited through collaboration with NGOs and support services working with IPV survivors in Malta. Information sheets outlining the purpose of the study, participation requirements, and ethical safeguards were distributed by gatekeepers to potential participants. Individuals who expressed interest contacted the researcher directly to minimise coercion and protect confidentiality. Inclusion criteria required participants to be over 18 years of age, to have experienced IPV within an intimate relationship, and to have engaged with the Maltese criminal justice system, with their cases having reached closure.

3.4. Data collection

Data were collected through individual semi-structured interviews, allowing participants to reflect on their experiences in their own words while ensuring that key areas relevant to the research aims were explored. Interview questions focused on experiences of reporting abuse, interactions with police and legal professionals, court proceedings, perceptions of protection and support, and emotional responses to legal outcomes. Interviews were conducted in a private and secure setting, lasted approximately 60–90 minutes, and were audio-recorded with participants' consent. All interviews were transcribed verbatim for analysis.

3.5. Data analysis

Data were analysed following Smith et al.'s (2021) six-step IPA analytic process. This involved: (1) repeated reading of transcripts to achieve immersion in the data; (2) detailed initial noting focusing on descriptive, linguistic, and conceptual elements; (3) development of emergent themes within each individual case; (4) identification of connections between themes to form personal experiential themes; (5) repetition of this process across cases; and (6) abstraction of group experiential themes capturing shared patterns while preserving individual nuance. Reflexive journaling was maintained throughout the analytic process to enhance transparency and support analytic rigour.

3.6. Ethical considerations

Ethical approval was obtained from the relevant university ethics committee prior to data collection. Given the sensitive nature of the topic, careful attention was paid to participant well-being. Informed consent was obtained from all participants, who were reminded of their right to withdraw at any time without consequence. Interviews were conducted using trauma-sensitive practices, and participants were provided with information about local support services should distress arise. All data was anonymised, securely stored, and handled in accordance with data protection regulations.

3.7. Trustworthiness and reflexivity

To enhance trustworthiness, credibility was supported through detailed engagement with the data, transparent documentation of analytic decisions, and reflexive awareness of the researcher’s positionality. The researcher maintained a reflexive diary to acknowledge potential biases and emotional responses arising from engagement with participants’ narratives. This reflexive process supported ethical sensitivity and ensured that interpretations remained grounded in participants’ accounts rather than preconceived assumptions.

4. Findings

Analysis identified five interconnected group experiential themes reflecting participants’ shared experiences of navigating the Maltese criminal justice system following intimate partner violence.

Table 1. Presentation of the GET’s and Sub-themes.

Master List of Group Experiential Themes	
Group Experiential Theme	Subthemes
Systemic Betrayal and Institutional Distrust	Reaching Out, Being Shut Down: The First Betrayal Abuser’s influence within the system “They just let it happen”
Navigating the Courtroom as a Victim	“The protection order was just a piece of paper” Court Backlogs and Endless Waiting Facing the Perpetrator: No Safe Distance
The Lingering Impact of Trauma	“It never really ended, even after court” Survival Fatigue: Isolation, Exhaustion, and Living in Fear
Silencing, Self-Blame and the Fight for Agency	Silencing and disbelief “I started to believe it was my fault” Blinded by Love: Staying, Changing, and Losing Self Efforts to reclaim voice and autonomy
Pathways to Support and Closure	Positive NGO and individual support Emotional closure outside the courtroom

5. Discussion and implications

The findings align with international literature on secondary victimisation and institutional betrayal, highlighting how criminal justice systems can inadvertently reproduce trauma when survivors’ emotional and psychological needs are insufficiently addressed. Despite progressive legislative reforms in Malta, participants’ experiences indicate that trauma-informed principles remain inconsistently embedded in everyday legal practice.

A trauma-informed approach requires institutions to prioritise safety, empowerment, collaboration, and transparency. In this study, the absence of adequate survivor preparation, emotional support, and procedural clarity undermined these principles and contributed to re-traumatisation. The findings further suggest that favourable legal outcomes do not necessarily equate to psychological closure, particularly within small societies where survivors may remain socially visible and in proximity to perpetrators. These dynamics underscore the need to view justice not only as a legal outcome but as an experiential process with significant emotional consequences.

5.1. Recommendations for policy and practice

Based on participants’ accounts, several practical reforms are recommended to reduce secondary victimisation and enhance survivor well-being:

- Mandatory trauma-informed training for police officers, legal professionals, and members of the judiciary

- Structured emotional and procedural preparation for survivors prior to court appearances
 - Multidisciplinary coordination between legal services, mental health professionals, and NGOs
 - Stronger enforcement and monitoring of protection orders to enhance survivor safety
 - Increased survivor-centred communication and transparency throughout legal proceedings
- Implementing these measures may contribute to more compassionate, effective, and trauma-informed responses to intimate partner violence within the Maltese criminal justice system.

6. Conclusion

This study provides a focused exploration of how IPC survivors experience the Maltese criminal justice system, revealing a persistent gap between legislative reform and lived reality. Despite progressive legal frameworks, participants described justice processes as emotionally invalidating, re-traumatising, and insufficiently responsive to their needs. Rather than offering protection and closure, legal engagement often compounded distress and undermined survivors' sense of safety and trust. While limited by a small, idiographic sample consistent with IPA, the findings offer valuable insight into the emotional dimensions of justice that are often overlooked. They highlight that justice cannot be understood solely through legal outcomes but also through survivors' psychological well-being and sense of agency, particularly in small societies such as Malta, where anonymity and distance from perpetrators are limited. By centering survivor voices, this study contributes to international calls for trauma-informed, survivor-centred reform within criminal justice systems. Meaningful justice for IPV survivors requires more than legislative change; it demands institutional practices that recognise trauma, restore dignity, and ensure that seeking protection does not result in further harm.

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