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USDOS – US Department of State

Trafficking in Persons Report 2018 - Country Narratives - Malta

MALTA: Tier 2

The Government of Malta does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Malta remained on Tier 2. The government demonstrated increasing efforts by providing more training to law enforcement personnel, increasing shelter capacity, and allocating more funding to counter trafficking. It also established a victim support unit to provide counseling, information, and referral services to victims of all crime, including trafficking. However, the government did not meet the minimum standards, as it has not secured any trafficking convictions since 2012, lacked coordination among ministries, which may have delayed the issuance of residency and work permits, and did not conduct any awareness campaigns during the reporting period.

RECOMMENDATIONS FOR MALTA

Vigorously and expeditiously investigate and prosecute trafficking offenses, and pursue adequate sentencing for convicted trafficking offenders; improve coordination efforts among ministries to provide the timely receipt of residency and work permits for victims; reduce turnover in police anti-trafficking roles; increase collaboration between police and other stakeholders during investigations; increase efforts and training of relevant staff and officials to proactively identify trafficking victims among vulnerable immigrant populations, particularly migrant workers, and women in prostitution; use anti-trafficking training for police officers, prosecutors, and judges to increase focus on working with victims and procedures for appropriate referral for care; disburse sufficient funding to the inter-ministerial committee for implementing the national action plan; continue funding for both short- and long-term shelter and assistance adapted to the needs of trafficking victims, including male victims and minors; provide adequate availability of interpreters for victims; and increase awareness campaigns.

PROSECUTION

The government maintained law enforcement efforts. Article 248A-G of the criminal code criminalized all forms of trafficking and prescribed penalties of four to 12 years imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The police vice squad, responsible for trafficking, conducted seven investigations, compared to three in 2016. The government initiated the prosecution of one Maltese national and one Chinese national, both for forced prostitution, compared to four individuals prosecuted in 2016. Three labor trafficking prosecutions initiated in 2014 and a 2004 case involving a police official for collusion with a trafficker remained pending at the close of the reporting period. The government has not obtained a trafficking conviction since early 2012. There were no new investigations or prosecutions of government employees complicit in human trafficking offenses.

The government increased efforts to train police and prosecutors over the reporting period. The Ministry of Home Affairs and National Security organized investigative, judiciary and victim identification training for front-line stakeholders, including police officers and prosecutors. Specifically, the government-funded a British NGO to provide training to law enforcement personnel on child trafficking investigations. Maltese law enforcement cooperated with a foreign government and extradited three Ukrainian nationals on trafficking charges. The slow pace of court proceedings continued to hamper prosecutions relying on victims to provide testimony in court. Although one police officer position is dedicated to trafficking crimes, civil society reported turnover within the position hindered effectiveness.

PROTECTION

The government maintained protection efforts. Police identified 30 foreign trafficking victims (35 in 2016). These included 24 Ukrainian labor trafficking victims (all from a single case) and six female victims (four Chinese nationals and two Hungarian nationals). The government had standard operating procedures for victim identification that allowed a range of entities to refer victims to the government's social welfare agency. The national welfare agency offered medical care, employment services, counseling, and additional emergency shelters and staff. This resulted in an increase in the allocation of funds for trafficking cases in 2017. In one large case, the police and national welfare agency joined coordination efforts during a forced labor investigation in order to prepare for a large number of victim referrals. The agency leased additional apartments on a three-year basis to temporarily shelter these victims and to build shelter capacity for future victims. All 30 victims identified in 2017 received care services. While NGOs reported assisting victims who are children, the government has never formally identified a child trafficking victim.

The government encouraged, but did not require victims to assist in the investigation and prosecution of their alleged traffickers and provided them with protective support, including the option to testify via video, although this was inconsistently offered. Some victims reported challenges in the availability of translators. The law provided victims a two-month reflection period to recover and contemplate cooperation with law

enforcement. In 2017, the government established a victim support unit to provide counseling, information, and referral services to victims of all crime, including trafficking. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a renewable six-month temporary residence permit, police protection, legal assistance, and the right to work. The government provided these temporary residence permits to the majority of the trafficking victims identified during the calendar year.

NGOs reported a lack of coordination among the police, the national welfare agency, and immigration officials negatively affected victims' ability to obtain residency and work permits, especially for victims of forced labor. Victims can apply for restitution from the government and file a civil suit against the perpetrators for the restitution of unpaid salaries and other expenses. One civil suit was under judicial consideration during the reporting period. There were no reports the government penalized victims for unlawful acts committed as a direct result of being subjected to trafficking. Courts, however, have convicted some minors for prostitution in recent years, who may have been unidentified sex trafficking victims. Additionally, migrants who entered the country illegally, some of whom may have been trafficking victims, were routinely held in detention centers. In December 2015, the government issued guidance that limited the circumstances under which irregular migrants could be detained.

PREVENTION

The government maintained prevention efforts. The inter-ministerial anti-trafficking committee continued to implement a national action plan, and it published a new action plan for 2017 to 2020. The government increased its anti-trafficking budget from €20,000 (\$24,010) in 2017 to €35,000 (\$42,020) in 2018, which excluded government funds provided to agencies for victim support provided elsewhere in the budget. The government did not conduct any awareness campaigns during the reporting period. The inter-ministerial anti-trafficking committee charged with implementing the national action plan convened several times throughout 2017; however, NGOs reported that despite the meetings, the committee produced little to no tangible actions to coordinate improvements across the government. Authorities conducted 3,539 labor inspections in 2017. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The national welfare agency continued to run a hotline for individuals in need of social services, including potential trafficking victims.

TRAFFICKING PROFILE

As reported over the past five years, Malta is a source and destination country for women subjected to sex trafficking and a destination for women and men subjected to labor trafficking. Women and children from Malta have also been subjected to sex trafficking within the country. Forced labor victims originate from China, Eastern Europe and Southeast Asia. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, foreign male soccer players, and women from Central and Eastern Europe, Russia, and Ukraine working in nightclubs represent

populations vulnerable to exploitation. The approximately 5,000 irregular migrants from African countries residing in Malta are vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic sectors.

ecoi.net summary:

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