



Trafficking in Persons Report 2017 - Country Narratives – Malta

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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 identifying significantly more victims and providing all of them with shelter and services and funding training for police recruits and officers, border agents, and diplomats. However, the government did not meet the minimum standards, as it has not secured any trafficking convictions since 2012.

RECOMMENDATIONS FOR MALTA

Vigorously investigate and prosecute trafficking offenses and pursue adequate sentencing for convicted trafficking offenders; increase efforts and training of relevant staff and officials to proactively identify trafficking victims among vulnerable immigrant populations, particularly migrant workers, child trafficking victims, 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; increase funding to the inter-ministerial committee for implementing the national action plan; increase 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 translators for victims; and increase awareness campaigns.

PROSECUTION

The government maintained law enforcement efforts. Article 248A-G of the criminal code prohibits both sex and labor trafficking and prescribes penalties of four to 12 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has not obtained a conviction since early 2012. The government conducted three investigations and initiated prosecution of four defendants in one case, which remained pending at the close of the reporting period. These efforts were on par with the previous reporting period when the government initiated investigation of two cases and prosecution of two defendants. Three labor trafficking prosecutions initiated in 2014 remained pending at the close of the reporting period. Both the appeal of a 2012 conviction of a police officer for alleged collusion with a trafficker, and the prosecution of a 2004 case involving a police official, remained pending.

There were no new investigations or prosecutions of government employees complicit in human trafficking offenses.

The slow pace of court proceedings hampered prosecutions relying on victims to provide testimony in court. The government, in collaboration with an international organization and a foreign embassy, completed a six-month research and training program for police officers, prosecutors, and judges, to raise awareness of trafficking within the judiciary. Frequent turnover of vice unit investigators, who also served as prosecutors, presented a challenge to authorities working to ensure all stakeholders receive specialized training.

PROTECTION

The government demonstrated modest efforts to protect trafficking victims. Police identified 35 foreign trafficking victims, including 32 Filipino labor trafficking victims in a single case involving a cleaning company (18 males and 14 females), two female domestic servitude victims, and one female sex trafficking victim; such efforts were an increase from two victims identified in the previous reporting period. The government had standard operating procedures in place for victim identification, and that allowed a range of entities to refer victims to the government's social welfare agency for care, which offered emergency shelter, medical care, and counseling. NGOs also provided this support, either funded by the government or other donors; one NGO received €33,000 (\$34,773) in government funds for this purpose during the reporting period. All 35 victims received care services. NGOs continued to provide support and services to 10 trafficking victims identified in 2014, some of whom also continued to receive financial support from the government. 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. The law provides victims a two-month reflection period to recover and contemplate cooperation with law enforcement. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a temporary residence permit, police protection, legal assistance, and the right to work. The government provided these entitlements to all 35 of the trafficking victims identified 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 new guidance that limited the circumstances under which irregular migrants could be detained, although implementation of the new procedures remained pending at the close of the reporting period. There was also inadequate availability of translators for victims.

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. For a third consecutive year, the government maintained an anti-trafficking budget of €20,000 (\$21,075), which did not include government funds provided to agencies for victim support. The government conducted awareness-raising efforts at schools and through dissemination of materials

at Maltese diplomatic missions abroad regarding employment standards. The inter-ministerial anti-trafficking committee charged with implementing the national action plan remained unable to fully implement the plan due to a lack of funding. Nonetheless, the committee publicly released semi-annual reports in July and December monitoring the government's anti-trafficking efforts in 2016. Authorities conducted 1,159 labor inspections and increased the number of inspectors, although the government did not make efforts to reduce the demand for commercial sex acts or forced labor. The social welfare agency continued to run a hotline for individuals in need of social services, including potential trafficking victims. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Malta is a source and destination country for women and children subjected to sex trafficking and a destination for women, men, and children subjected to labor trafficking. Women and children from Malta have also been subjected to sex trafficking within the country. Forced labor victims largely originate from China, and Southeast Asia. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, 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 may be vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic sectors.