



2016 Trafficking in Persons Report - Malta

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MALTA: Tier 2

Malta is a source and destination country for women and children subjected to sex trafficking and a destination for women and men subjected to labor trafficking. Female sex trafficking victims primarily originate from China, Hungary, Poland, Romania, Russia, and Ukraine. During the reporting period, a Tunisian woman was subjected to sex trafficking in Malta. Women and children from Malta have also been subjected to sex trafficking within the country. Forced labor victims largely originate from China, Indonesia, the Philippines, and Vietnam. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, and women from Central and Eastern Europe 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.

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. During the reporting period, the government provided trafficking victims with shelter and services and funded training for police officers, community center employees, and diplomats; in addition, its inter-ministerial anti-trafficking committee continued to implement the national action plan. However, the government investigated and prosecuted fewer trafficking cases, identified fewer trafficking victims, did not adequately fund anti-trafficking efforts, and did not conduct national awareness campaigns.

RECOMMENDATIONS FOR MALTA:

Vigorously investigate and prosecute trafficking offenses and pursue adequate sentencing for convicted trafficking offenders; increase anti-trafficking training for police officers and offer training to prosecutors and judges, with a focus on working with victims; increase funding to the inter-ministerial committee to implement the national action plan; strengthen efforts to proactively identify trafficking victims among vulnerable populations, particularly migrant workers, women in prostitution, and children exploited for commercial sex; train stakeholders on the use of the standard operating procedures for victim referral; implement the newly adopted guidelines to protect irregular migrants from arbitrary detention; and conduct an anti-trafficking national awareness campaign.

PROSECUTION

The government demonstrated a slight decrease in law enforcement efforts. Malta prohibits both sex and labor trafficking through article 248A-G of the criminal code, which 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 conducted two investigations and initiated two prosecutions during the reporting period, demonstrating a decrease from the previous reporting period, when the government conducted five investigations and initiated seven prosecutions. Both prosecutions remained pending at the close of the reporting period. The government has not obtained a conviction since early 2012. The three labor trafficking prosecutions initiated in 2014 were still pending at the close of the reporting period. The appeal of a 2012 conviction of a police officer for alleged involvement with the trafficker remained pending. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offences.

The slow pace of court proceedings hampered prosecutions relying on foreign victims to provide testimony in court. The government, in collaboration with an international organization, provided training for 10 police officers and 35 community center employees on victim identification; however, it did not offer training for prosecutors or judges. 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 two trafficking victims, a decrease from 18 victims identified in the previous reporting period. Both victims were foreign women; one was a victim of sex trafficking and one was a victim of both labor and sex trafficking. Although there are no shelters specifically for trafficking victims in Malta, the government, in partnership with NGOs, provided both victims with emergency shelter and services, as well as legal support. 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. The government has never formally identified a child trafficking victim.

The government had standard operating procedures in place that allowed a range of entities to refer victims to the government's social welfare agency for care, including emergency shelter. The government encouraged 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 conference. Maltese law offered 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 both 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. Maltese courts, however, have convicted some children for prostitution in recent years, and these may have been unidentified victims of sex trafficking. 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; implementation of the new procedures remained pending at the close of the reporting period.

PREVENTION

The government demonstrated modest anti-trafficking prevention efforts. For a second consecutive year, the government maintained an anti-trafficking budget of 20,000 euros (\$21,760),

a decrease from previous years. The government did not conduct any anti-trafficking awareness campaigns. The inter-ministerial anti-trafficking committee was charged with implementing the national action plan; however, implementation was hindered due to a lack of funding. Although authorities conducted 19 labor inspections, the government did not make efforts to reduce the demand for commercial sex acts or forced labor. The committee publicly released two semi-annual reports monitoring the government's anti-trafficking efforts in 2015. The social welfare agency continued to run a hotline for individuals in need of social services, including trafficking victims. The government funded anti-trafficking training for its diplomatic personnel; the training was provided by an international organization.

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