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USDOS – US Department of State

2019 Trafficking in Persons Report: Malta

MALTA: Tier 2

The Government of Malta does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Malta remained on Tier 2. These efforts included prosecuting more traffickers, hiring a social worker dedicated to trafficking victims, removing all residency and work permit fees for foreign victims of trafficking, and for the first time, identifying and referring a child victim to care. However, the government did not meet the minimum standards in several key areas. It has only convicted one trafficker since 2012, which resulted in a fully suspended prison sentence, identified fewer victims, continued to lack coordination among ministries, and did not effectively control licensing for massage parlors, where there was a high vulnerability for sex trafficking.

PRIORITIZED RECOMMENDATIONS

Vigorously and expeditiously investigate and prosecute trafficking offenses, including convicting traffickers and sentencing convicted traffickers to significant prison terms. • 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. • Improve coordination efforts among ministries to effectively implement the national action plan. • Improve license control for massage parlors. • Increase collaboration between police and other stakeholders during investigations. • Use anti-trafficking training for police officers, prosecutors, and judges to increase focus on working with victims. • Disburse sufficient funding to the inter-ministerial committee for implementing the national action plan. • Provide adequate availability of interpreters for victims.

PROSECUTION

The government maintained law enforcement efforts. Article 248A-G of the criminal code criminalized sex trafficking and labor 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, which is responsible for trafficking, conducted three investigations in 2018, compared to seven in 2017. Police also conducted seven investigations for illegal prostitution in massage parlors, but they found no evidence of trafficking. The government prosecuted 10 persons (eight for labor trafficking and two for sex trafficking) compared to two in 2017. 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. In March 2018, the government convicted one sex trafficker from a 2008 case, however the court fully suspended the prison sentence; this was the first conviction since 2012. The perennial issue of slow court proceedings continued to hamper prosecutions and convictions. There were no new investigations or

prosecutions of government employees complicit in trafficking offenses. In September 2018, the Ministry of Home Affairs and National Security delivered several training sessions to new police recruits, domestic and foreign border guards, and immigration officials.

PROTECTION

The government maintained protection efforts. Police identified 23 foreign trafficking victims and one Maltese victim, compared to 30 foreign victims in the previous reporting period. Forced labor victims included 17 Filipinos (13 from a single case), three Mauritians, one Nepali, and one Pakistani. Sixteen of the forced labor victims were male and six were female. Sex trafficking victims included one Moldovan woman and one Maltese girl—the first government-identified child victim to date. The government maintained standard operating procedures for victim identification that allowed a range of entities to refer victims to the government’s social welfare agency. The government funded the UK to provide training to immigration officials on victim identification and referral. The training was compulsory for all officials responsible for issuing residence permits and visas. In March 2019, the government also funded training for labor officials and inspectors on victim identification.

The national welfare agency offered medical care, employment services, personal and legal counseling, and additional emergency shelters and staff. Victims had freedom of movement in government shelters. The government provided the child victim with comprehensive specialized support. Sixteen of the 24 victims identified during the reporting period received care services. The government assisted one victim with return to their home country. The government hired a social worker dedicated to trafficking victims. In March 2019, the legal aid agency trained victim assistance lawyers.

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 courts inconsistently offered it. Some victims reported challenges in accessing interpreters. The law provided victims a two-month reflection period to recover and contemplate cooperation with law enforcement. A victim support unit provided 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. In 2018, authorities enacted a new policy that removed all residency and work permit fees for victims of trafficking. The government provided these temporary residence permits to 15 of the trafficking victims identified during the reporting period. The government improved collaboration between ministries issuing residency permits. In one large case, 14 victims received permits within one day of detection. Victims could 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. Courts penalized some minors under prostitution laws in recent years without efforts to identify them as sex trafficking victims.

PREVENTION

The government increased prevention efforts. The inter-ministerial anti-trafficking committee continued to implement the 2017-2019 national action plan. The committee convened several times throughout 2018; however, authorities and NGOs continued to report a lack of effective interagency coordination on trafficking issues. The government maintained its anti-trafficking budget of €20,000 (\$22,940) for 2018, but reduced the budgeted amount to €16,000 (\$18,350) for

2019. The government also provided €53,000 (\$60,780) for victim services, an increase from €35,000 (\$40,140) in 2017, and spent an undisclosed amount on training programs. The government increased awareness campaigns over the reporting period by launching television commercials to inform the public on sex and labor exploitation, including human trafficking, and held a forum to raise forced labor awareness in the business sector. In January 2019, the National Commission on Domestic Violence organized a five-day anti-trafficking training event focused on bringing together stakeholders from the public, private, and NGO sectors. Additionally, the government allocated €120,000 (\$137,610) for a national anti-trafficking campaign scheduled for 2019. The Parliamentary Secretary for Reforms, Citizenship, and Simplification was responsible for whole-of-government reform of efforts to fight trafficking and held multiple consultations with the interagency, civil society, and the private sector that will inform the new 2020 action plan. NGOs reported a lack of regulation on licensing for massage parlors, which remained places of high concern for sex trafficking. The government did not make efforts to reduce the demand for commercial sex acts. 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, human traffickers exploit domestic and foreign victims in Malta. Sex traffickers exploit foreign and domestic women and children and labor traffickers exploit foreign men and women. Forced labor victims originate from China, Eastern Europe, and Southeast Asia, with increasing numbers from the Philippines. 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 trafficking. 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:

Annual report on trafficking in persons (covering April 2018 to March 2019)



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