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# 2021 Trafficking in Persons Report: Malta

## OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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## 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Malta remained on Tier 2. These efforts included investigating and prosecuting more suspected traffickers and continuing to maintain convictions with significant sentences. The government also trained more officials, increased funding for victim assistance and prevention efforts, and adopted an anti-trafficking national action plan. However, the government did not meet the minimum standards in several key areas. The government identified the fewest victims since 2016 and continued to lack coordination among ministries. It did not effectively enforce labor recruitment regulations or monitor massage parlors where there was a higher incidence of trafficking indicators. The government also continued to delay the resolution of a 2004 case of a former police officer allegedly complicit in trafficking and did not report any new investigations of other officials or additional efforts to prevent complicity.

## PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously and expeditiously investigate and prosecute trafficking offenses.

- Increase efforts to convict traffickers, including complicit officials, and sentence convicted traffickers to significant prison terms.
- Ensure relevant staff and officials proactively identify trafficking victims, including Maltese nationals, among vulnerable populations, particularly children, migrant workers, and individuals in commercial sex.
- Improve effective leadership and prioritization of human trafficking, as well as streamline anti-trafficking coordination and communication efforts among ministries.
- Increase migrant worker protections by implementing strong regulations and oversight of recruitment companies that are consistently enforced, including prosecuting for fraudulent labor recruitment.
- Implement license controls for massage parlors, including oversight and screening for trafficking victims.
- Increase collaboration between police and other stakeholders during investigations to decrease the length of investigations and prosecutions, and enhance the likelihood of successful convictions.
- Institutionalize victim-centered and trauma-informed anti-trafficking training for front-line officials, police officers, prosecutors, and judges.
- Adopt a national victim identification mechanism available to all entities involved in victim identification.

## PROSECUTION

The government increased law enforcement efforts. Article 248A-G of the criminal code criminalized sex trafficking and labor trafficking, and it prescribed penalties of six 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 government did not have specialized anti-trafficking prosecutors or courts. In 2020, the police vice squad, which was responsible for trafficking and other crimes, initiated 16 investigations – eight for sex trafficking and eight for labor trafficking. This was a significant increase compared with five investigations in 2019 and 10 investigations in 2018. The government reported initiating new prosecutions of two suspected sex traffickers in 2020; this compared with zero in 2019 and 10 in 2018. Prosecutions of 16 suspects from prior reporting periods, most of whom were released on bail, remained ongoing. The government convicted three traffickers for sex trafficking in 2020, the same number as in 2019. Of the convicted traffickers, two were female Chinese nationals, sentenced to five and seven years' imprisonment, respectively, and one was a Maltese male sentenced to seven years' imprisonment. This compared with three convictions with significant prison sentences in 2019. Courts re-sentenced two traffickers from an overturned court decision from 2019; while the courts upheld the original conviction, they lowered the traffickers' sentences from 12 to nine years' imprisonment. Perennial issues with rule of law, corruption, slow court proceedings, and an understaffed police force continued to hamper prosecutions and convictions. While there were no new investigations

or prosecutions of government employees complicit in trafficking offenses, an investigation initiated in 2004 of a former police officer, who allegedly acted as an accomplice to a convicted sex trafficker through the falsification of visa documents and the procurement of a victim, remained ongoing during the reporting period. After a court hearing for the former police officer, originally scheduled for April 2019, was deferred, there was no further action taken; if guilty of complicity in trafficking, the prolonged court proceedings and lack of a court judgment contributed to impunity for the officer and inhibited justice for victims. The government significantly increased training to officials during the reporting period by providing anti-trafficking training, including on victim identification and referral, to 108 new police recruits. The government also provided anti-trafficking training to 163 police officers and 153 border authorities including civilian border control officers, officials from the Armed Forces of Malta, and Malta Customs officers. Additionally, the government reported training four police officers in understanding child sexual exploitation and 35 front-line officials on trafficking indicators and available services for victims. Unlike prior years, the government did not report cooperating in any joint international trafficking investigations or extraditing any trafficking suspects.

## PROTECTION

The government minimally decreased protection efforts. Police and social workers identified six trafficking victims in 2020 (compared with 11 in 2019, 24 in 2018, 30 in 2017, and 35 in 2016). While the government's identification of victims steadily decreased over several years, NGOs noted that pandemic-related restrictions in 2020 may have made it more difficult for the government to identify trafficking victims. Of the victims identified, five were victims of labor trafficking, including two victims of domestic servitude and three Maltese child victims of forced criminality, and one was a combination of both sex and labor trafficking. The foreign trafficking victims were all from the Philippines, and all six victims were female. Police continued to utilize standard operating procedures to systematically refer victims to Agenzija Appogg, a government office within the national Foundation for Social Welfare Services (FSWS) that provided national assistance to trafficking victims; police referred all three victims they identified to Agenzija Appogg. The other three victims were referred to care by an NGO, through self-referral, or by Agenzija Appogg itself. There was no victim identification screening mechanism, though Agenzija Appogg began drafting this tool during the reporting period. FSWS continued to coordinate effectively with the police, legal aid, and health services to provide quality care to victims. Government officials continued to work closely and collaboratively with NGOs during the reporting period. The national welfare agency co. to operate a 24-hour hotline for individuals in need of social services, including potential

trafficking victims. Services to victims continued uninterrupted in 2020, though some services switched to a virtual platform due to pandemic-related restrictions. The government had dedicated services available to both foreign and domestic trafficking victims and once victims were referred to care, specialized social workers at FSWS assessed the long-term needs of each trafficking victim; assistance included shelter, food, psychological counseling, interpreters, and medical and legal aid appointments, as well as assistance with obtaining legal status and job searches. At least one trafficking victim received shelter in safe housing in 2020. Victims could receive protection services regardless of their agreement to cooperate with law enforcement but could only receive residence permits if they cooperated. While there was no time limit for victims to access some services, such as services from social workers, their stay in a shelter or safe housing could not exceed 180 days, with some exceptions. Victims had freedom of movement in government shelters, and both men and women had access to two shelters.

Per a May 2020 memorandum of understanding, the government cooperated with the Government of Libya to reduce the number of irregular migrants entering Malta from Libya and reportedly prevented at least 7,000 irregular migrants from arriving at Maltese ports. NGOs criticized this coordinated effort, however, because it often resulted in the occupants of vessels rescued in the Libyan search and rescue area being returned to Libyan shores; NGOs cited severe security and human rights conditions inside Libya and Libyan detention centers and a heightened risk of trafficking for irregular migrants forced to remain in Libya. Despite government efforts to the contrary, approximately 2,300 irregular migrants arrived in Malta in 2020, a decrease compared to 3,100 in 2019, and were placed in one of four government-run detention centers. Though trained officials systematically screened for trafficking indicators, they did not report identifying any trafficking victims at detention centers; NGOs and officials had limited access to detention centers due to the pandemic, which may have resulted in some trafficking victims remaining unidentified within the law enforcement system. However, insufficient resources at migrant detention centers might have affected the quality of victim screening. During the reporting period, police continued to screen for sex trafficking indicators among individuals in commercial sex. In 2020, the government spent €120,088 (\$147,350) on victim care, including salaries for social workers and safe housing for victims; this amount was an increase compared with €83,400 (\$102,340) in 2019.

The government encouraged but did not require victims to assist in the investigation and prosecution of their alleged traffickers. The government provided victims with protective support, including the option to testify via video and accompaniment by a social worker although courts did not consistently offer these protections. The government had a wit.

protection program but did not report whether any victims utilized this service during the reporting period. The law provided victims a two-month reflection period to recover and contemplate cooperation with law enforcement, but the government did not report whether it provided this to any victims during the reporting period. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a renewable six-month temporary residence permit free of charge, police protection, legal assistance, and the right to obtain flexible work permits; the government reported granting a residence permit to at least one trafficking victim during the reporting period. The government could grant refugee status to victims as an alternative to removal to countries where they may face hardship or persecution, but it did not report providing this status to any victims during the reporting period. The government could grant compensation to victims from state funding; however, the government did not report issuing compensation to any victims during the reporting period. Additionally, prosecutors could file for restitution from traffickers in criminal cases; however, the government did not award restitution to any victims during the reporting period. Victims could also file a civil suit to receive damages, for which the government could provide free legal assistance, but the government did not report any victims receiving damages during the reporting period.

## PREVENTION

The government maintained modest prevention efforts. In 2020, the Human Rights Directorate (HRD) assumed responsibilities for anti-trafficking efforts; the government maintained its inter-ministerial anti-trafficking monitoring committee, which was responsible for implementing the national action plan, coordinating data collection, functioning as the national rapporteur, and reviewing policy and practice. The government reported that the committee met at least once during the reporting period and worked to coordinate law enforcement trainings. The government also had an anti-trafficking stakeholder task force, which included civil society, but during the reporting period, it did not meet, and the government did not report efforts the task force undertook. While the government adopted a new anti-trafficking national action plan for 2020-2023, the plan did not include any specific actions to be taken by relevant ministries or benchmarks. Authorities and NGOs continued to report a lack of effective leadership, corruption allegations, and insufficient prioritization of human trafficking, as well as a need to streamline anti-trafficking coordination and communication efforts among ministries, which hindered progress. The government allotted HRD €300,000 (\$368,100) in 2020 for anti-trafficking efforts, including efforts to improve coordination among relevant ministries. The government maintained its anti-trafficking training budget at €16,000 (\$19,630) in 2020, the same as in 2019. Compared with 2019, the

government decreased efforts on public awareness campaigns, though pandemic-related complications may have hindered efforts. The government held an awareness-raising conference attended by 128 participants and continued a public awareness campaign that focused on reducing the occurrence of trafficking by educating the public on the use of goods and services provided by victims of exploitation, including trafficking victims. The government used social media, magazines, merchandise, and a beauty contest to promote the public awareness campaign. The government continued to use its anti-human trafficking website, available in six languages, to disseminate information on indicators and examples of victim profiles and experiences. The Employment Agencies Act (EIRA) regulated labor recruiters and required recruiters to have a license. The EIRA did not allow workers to be charged recruitment fees, but this still sometimes occurred. The national employment authority conducted 2,668 routine inspections of employers in 2020 (3,920 in 2019) but did not report identifying any trafficking victims or investigating or prosecuting fraudulent labor recruiters. Fraudulent labor recruitment remained a significant concern during the reporting period; traffickers would sometimes replace the originally signed contract with a less favorable one upon arrival or force victims to perform a different job than what was agreed upon. NGOs continued to report a lack of oversight and regulation on the licensing of massage parlors, which had a higher likelihood of indicators of sex trafficking. Traffickers would sometimes confiscate the passports of victims upon arrival. The government did not have any bilateral labor agreements with source countries. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel during the reporting period.

## 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. Labor trafficking victims originate from China, Eastern Europe, Central America, and Southeast Asia, with increasing numbers from the Philippines. 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 trafficking. The approximately 9,000 refugees and 4,000 asylum seekers residing in Malta are vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic work sectors. Cooperation with the Government of Libya prevents thousands of irregular migrants and refugees from arriving at Maltese ports; however, occupants of vessels in the Libyan search and rescue area are returned to Libya, where NGOs cite severe security

and human rights conditions and a heightened risk of trafficking for irregular migrants. Fraudulent labor recruitment continues to occur; traffickers replace the originally signed contract with a less favorable one upon arrival in Malta or force victims to perform a completely different job than what was agreed upon. Traffickers often confiscate the passports of victims upon arrival. Co-nationals and Maltese citizens frequently work together to exploit trafficking victims.

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