

**Report on the implementation of the Malta Action Plan on Combating Trafficking in  
Persons January 2017 - December 2019**

Submitted in accordance with the Action: “The submission of a progress report to the Prime  
Minister, once every end of the year”

**Report for January - December 2018**

Trafficking in persons is a fundamental and crucially important challenge in the areas of human rights and law enforcement. For these reasons Government launched its fourth Action Plan against Trafficking in Persons covering the period between January 2017 and December 2019 contemplating measures addressing all forms of exploitation but prioritising effective responses to trafficking of women and children within vulnerable groups. Hence action to create awareness about the phenomenon, build capability amongst actors working in the field with a view to enhance identification of cases of human trafficking as well as play a role in the prevention of people being exploited at their place of work. Throughout the last 12 months, implementation action addressed measures requiring ongoing attention, as well as other measures, in particular those that were to be concluded by the end of 2018 in order to fulfil obligations envisaged by the current Action Plan. Action was taken in relation to the following measures to be implemented on an ongoing basis:

- **The convening of the Human Trafficking Monitoring Committee and the Stakeholders Task Force on Trafficking in Human Beings;**
- **The submission of a progress report to the Prime Minister, at the end of each calendar year;**
- **Liaison with EU and international bodies addressing human trafficking issues, including the EU Anti-Trafficking Coordinator and the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA); and**
- **Participation in international conferences and events, including meetings hosted by the EU Anti-Trafficking Coordinator.**

Moreover, action was also taken to implement the following commitments:

- Strengthening public awareness by screening video on human trafficking awareness on national TV station;
- Conducting target group oriented activities dealing with demand-related aspects of human trafficking (for instance in cooperation with private-sector industry, trade unions, the media, etc.); and
- Research among minors and women in Open Reception Centres with a view to obtaining information concerning their plans for the future, as well as about their current situation.

**The following developments were registered:**

During 2018 the Vice Squad Police arraigned 10 persons for alleged human trafficking offences, 7 arraigned on forced labour accusations, 2 on sexual exploitation and one 1 on domestic servitude. The Police also identified 15 adult male and female victims of human trafficking and a female minor. The adult victims are all Filipino nationals except one who is Nepalese. The minor victim is of Somali origin but holds a Maltese identification document. Investigations in these three separate cases ended up with court arraignments and are all *sub judice*.

In addition, seven other cases involving alleged trafficking in persons in massage parlours were investigated during the reporting period. 18 people were investigated, all adults and arraigned for living off the earnings of prostitution and/or for keeping a brothel. No victims of trafficking were actually identified during the investigations. Nationalities of the females found working in these parlours were South American, Italian Moldovan and Ukrainian. Parlours were run by Maltese male and/or female nationals. All investigations ended up with court arraignments and all except one have all been decided in Court and are now *res judicata*.

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The Minister for Foreign Affairs and Trade Promotion, Carmelo Abela, signed the instrument of ratification for the 2014 Protocol to the 1930 Forced Labour Convention. The ratification of these two important instruments confirms the country's commitment to further provide institutional support towards the promotion of a healthy and positive working environment. The new protocol establishes the obligations to hinder forced labour, protect victims and provide them with access to remedies and emphasises the link between forced labour and trafficking in persons, including sex trafficking. Malta envisages to be participating in the 50 for Freedom campaign led by the International Labour Organisation (ILO).

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An official from the Ministry for Home Affairs and National Security was invited to deliver training to border guards and other border officials of the Joint European Cross Border Cooperation (JECBC) who attended a one-week training in Malta held at the Academy of Disciplined Forces.

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In September 2018, about 100 new Police recruits received training as part of their induction course on human trafficking by an official from the Ministry for Home Affairs and National Security working in the field of human trafficking.

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For the purpose of offering a holistic approach to assist victims of human trafficking encountered in Malta Government continues to allocate additional funds. There has been an increase in resources by the government's social welfare agency Appogg, this included a social worker dedicated solely to assisting victims, accommodation for the

victims, provision of daily living needs – these included food supplies, toiletries etc. Appogg, also assisted victims in the process of obtaining residence permits and work permits immediately after they were discovered by the authorities. Moreover, new additional state run facilities are now available in order to accommodate victims of human trafficking in safe shelters.

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Moreover, Malta signed a two-year Memorandum of Understanding with the British High Commission Malta which secures collaboration between the two countries on the drafting of new legislation and the strengthening of support mechanisms available for victims of human trafficking. The agreement will facilitate training to personnel as well as the sharing of best practices on measures aimed at preventing human trafficking.

## **Legislation and Policy**

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No major legislative changes have taken place over the past year in the laws pertaining to human trafficking per se. It should however be noted that during the last reporting period, the Ministry for Home Affairs and National Security and the Parliamentary Secretariat for Reforms, Citizenship and Simplification has launched a residence scheme known as the Specific Residence Authorisation. The said scheme will give the opportunity to rejected asylum seekers who (i) have been in Malta for a period exceeding five years, and (ii) could not be returned to their country of origin, to obtain a two-year renewable residence permit. The scheme will facilitate the reintegration of these migrants into the Maltese society and lessen the vulnerability and risks of trafficking faced by this category of migrants.

Moreover, two new labour laws came into effect on the 1st January 2019. Subsidiary Legislation 452.115 – Annual Leave National Standard Order sets clear procedures on the cancellation of leave, special leave, the accrual of leave during maternity leave and the payment of the leave balance in case of termination of employment. It also increases the obligations of employers in instances of forced leave.

Subsidiary Legislation 452.116 – Itemised Payslip Regulations requires employers to issue payslips to employees on a monthly basis. Payslips issued to employers should include the number of hours worked, number of hours worked at overtime rates and leave balances, amongst others. Failure to abide by these conditions will subject employers to a fine of not less than €500) euro and not more than €1,165. The new law will facilitate the collection of data by national enforcement bodies, mainly the Malta Police Force and the DIER, during the investigation of potential cases of labour trafficking.

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Currently government is following and implementing its 3-year strategy on human trafficking as prescribed by the National Action Plan on Combating Trafficking in Persons (January 2017 – December 2019). The current administration has pledged to continue to implement a reform on human trafficking and prostitution, with the ultimate aim being the protection of victims. In this regard, the government has two objectives: (i) updating current laws on human trafficking to make them victim-centred, and (ii) develop a national anti-trafficking strategy to come into force following the implementation of the current action plan. The National Action Plan on Combating Trafficking in Person is set to be implemented by the end of 2019.

**Funding**

In general, the measures taken were funded by the Ministry for Home Affairs and National Security *Budget for Human Trafficking Initiative*.

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