

Final Report on the Malta Action Plan on Combating Trafficking in Persons

Submitted in accordance with the Action: “Publication of a yearly report (including statistics) on actions undertaken in the field of human trafficking”

Background

The Malta Action Plan on Combating Trafficking in Persons, which was published on 4th October 2011, had the following objectives:

1. Consolidation of current procedures and initiatives relating to trafficking in persons;
2. Identification of areas of concern requiring action;
3. Enhancement of accountability in relation to the delivery of actions within the National Action Plan;
4. Provision of the necessary tools and resources for the development of a holistic strategy in the fight against trafficking in persons;
5. Raising awareness among Public Authorities in relation to the importance of trafficking cases with a view to register greater effectiveness in relation to the prosecution of cases and the identification of victims; and,
6. Where necessary, enhancing the Administrative Capacity of Maltese authorities to deal with Human Trafficking cases.

The Action Plan, which was Malta’s first in this sphere, covered the period 4th quarter 2011- 4th quarter 2012 and provided for actions aimed at preventing human trafficking, prosecuting offenders as well as protecting victims.

The implementation of the Action Plan was overseen by the Anti-Human Trafficking Monitoring Committee, a committee appointed by the Prime Minister and chaired by Mr. Alan Caruana, Malta’s Anti-Human Trafficking Coordinator.

Implementation of the Action Plan

The Action Plan encompassed a total of **14** actions, to be implemented over the course of 15 months, as follows:

- 4 ongoing actions;
- 2 actions to be implemented during the 4th quarter 2011;
- 2 actions to be implemented during the 1st quarter 2012;
- 1 action to be implemented over the course of 2nd to 4th quarter 2012;
- 2 actions to be implemented during the 2nd quarter 2012;
- 2 actions to be implemented during the 3rd quarter 2012; and,
- 1 action to be implemented during the 4th quarter 2012.

The actions in question have been implemented as follows:

- 4 ongoing actions: 3 implemented; 1 partially implemented;
- 2 actions (4th quarter 2011): 2 implemented;
- 2 actions (1st quarter 2012): 2 implemented;
- 1 action (2nd quarter-4th quarter 2012): 1 partially implemented;

- 2 actions (2nd quarter 2012): 1 partially implemented; 1 partially implemented with a delay;
- 2 actions (3rd quarter 2012): 1 implemented (ahead of schedule); 1 not implemented (postponed);
- 1 action (4th quarter 2012): 1 implemented.

Therefore, out of the total 14 actions envisaged by the Action Plan:

- 9 have been implemented;
- 4 have been partially implemented; and,
- 1 has not been implemented (postponed).

Further details are provided in Annex I of this report.

Investigation of cases, prosecution and support to victims of human trafficking

It should be noted that during 2012 a total of 135 inspections have been conducted in various establishments as part of the specialised service the Prostitution and Trafficking in Human Beings Unit (Vice Squad, Police) is providing. Potential cases of human trafficking have been identified and action in relation to such cases is ongoing.

During 2012 support was also provided to potential victims, with 4 potential victims being referred to the *Aġenzija Appoġġ* centre. These 4 persons have since moved out of the Centres.

It should also be noted that on the 2nd March 2012 the Court of Criminal Judicature passed judgement on Mr. Mifsud, convicting him of human trafficking for the purpose of prostitution and for living off the earnings of prostitution. Another three people were also accused of the same charges, one of them being a police officer. These persons are being charged separately in separate cases. The sentence meted out was of 10 years' imprisonment. Additionally, Mr. Mifsud was imprisoned for another year for committing a crime during the term of a conditional discharge. The case is still *sub judice* due to a pending appeal.

Mr. Amato (the police officer mentioned in the case above) is being arraigned in a separate case in court with the following charges:

- 1) trafficked a person of age for the purpose of exploiting that person in prostitution by giving or receiving of payments or benefits to achieve the consent of the person having control over another person;
- 2) for conspiracy of committing the crime of trafficking in persons for the purpose of exploiting that person in prostitution;
- 3) for complicity in the crime committed by Mr. Raymond Mifsud, i.e. for knowingly aiding or abetting Raymond Mifsud of the crime in the acts by means of which the crime was prepared or completed;
- 4) for Bribery; and,
- 5) for committing an offence as public officer or servant when he was duty bound to watch or which by virtue of his office he was bound to repress.

Proceedings are in prosecution stage, pending the testimony of Mr. Mifsud (since his case is still pending appeal). The case is being prosecuted by the Police.

Contracting of International Expert to assist the Maltese authorities

A contract between the Ministry for Home Affairs and Mr. Stefano Volpicelli, an international expert in the sphere of human trafficking and former employee of IOM, was signed in November 2012, particularly to mentor Maltese professionals in the field and to undertake research in relation to

human trafficking in Malta. The contract in question thereby contributes towards the fulfilment of the objectives of the 2012 Action Plan, as well as to the objectives of the Action Plan covering 2013 and 2014.

Action has already been taken in respect of tasks foreseen by the contract, as follows:

- With regard to the mentoring of professionals working with vulnerable persons, preliminary meetings have been held with *Aġenzija Appoġġ* and the Jesuit Refugee Services. Mentoring sessions are being held with representatives of these institutions. Meetings have also been scheduled with the Agency for the Welfare of Asylum Seekers (AWAS) and the Police among others;
 - With regard to research on the human trafficking scenario, meetings are being held with relevant authorities in connection with data collection and analysis;
 - With regard to the Standard Operating Procedures (SOPs), discussions are being held within the context of the Stakeholder Taskforce; and,
 - With regard to the Second National Action Plan, covering the two years 2013 and 2014, this is being published alongside the present report.
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Annex I

ACTIONS	TARGET DEADLINE	ACTION TAKEN	STATUS AS AT 4 th QUQRTER 2012
<p>The regular convening of the Human Trafficking Monitoring Committee with a view to:</p> <ul style="list-style-type: none"> -ensure that human trafficking is being addressed in a strategically effective manner; -ensure that relevant stakeholders are being monitored; and -make policy proposals as necessary. <p>The Committee will assess the implementation of the Action Plan.</p>	Ongoing	<p>The Monitoring Committee, which was chaired by the Anti-Human Trafficking Coordinator, convened in order to monitor the implementation of the Action Plan and to advise the coordinator as necessary.</p> <p>Meetings were held on 30th September 2011, 4th November 2011, 19th June 2012, 8th August 2012, 23rd October 2012 and 13th November 2012.</p>	Implemented
<p>Submission of a quarterly report (including statistics) to the Prime Minister outlining actions taken, progress achieved and difficulties encountered.</p>	Ongoing	Quarterly reports were submitted to the Prime Minister.	Implemented
<p>Enhance the Administrative Capacity of the competent authorities in the fight against human trafficking, be it from the point of view of prevention, protection or prosecution.</p> <p>Such action may include the recruitment of personnel or contracting of services (e.g. legal and psychological services) and the procurement of equipment.</p> <p>Actions undertaken under this area, which would have to be approved by</p>	Ongoing	<p>The Ministry for Home Affairs contracted the services of Mr. Stefano Volpicelli, a former IOM expert, who is, among other things, to assist stakeholders through the provision of on-the-ground training, thereby investing in existing human resources.</p> <p>The contract with Mr. Volpicelli was signed in November 2012 and is valid for a period of 9 months.</p>	Implemented

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<p>the TIP Coordinator, would be required to fulfil at least one of the following objectives:</p> <p>a) Facilitate the identification or investigation of human trafficking cases;</p> <p>b) Enable more expeditious prosecution or determination of human trafficking cases;</p> <p>c) Increase awareness of human trafficking through campaigns and other initiatives ; or</p> <p>d) Enhance services and support offered to victims of human trafficking.</p>			
<p>The fostering of awareness among groups vulnerable to trafficking, in particular by means of awareness sessions:</p> <p>a) for irregular migrants and asylum seekers;</p> <p>b) for other vulnerable groups;</p> <p>c) for professionals working with vulnerable persons.</p>	Ongoing	<p>Action in this sphere has commenced pursuant to the contracting of the services of Mr. Volpicelli.</p> <p>During his visit to Malta of 11-19th December Mr. Volpicelli met the management and personnel of <i>Aġenzija Appoġġ</i>, Caritas and the Jesuit Refugee Service.</p> <p>During the visit, the issues of awareness and empowerment among vulnerable persons were addressed.</p>	<p>Partially implemented.</p> <p>Further action still required as follows:</p> <ul style="list-style-type: none"> • Mr. Volpicelli to hold similar meetings with other entities, such as the Agency for the Welfare of Asylum Seekers; • Entities to undertake initiatives whereby awareness sessions for vulnerable groups would be held. <p>Further action in this sphere is foreseen by the second National Action Plan on Combating Trafficking in Persons.</p>

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The establishment of a Stakeholder Task Force on Trafficking in Human Beings at operational level.	4 th quarter 2011	<p>The Committee was set up in early November 2011. The members are presently as follows:</p> <p>Mr. Joseph St. John, Chairperson (Ministry for Home Affairs)</p> <p>Ms. Marianne Gauci (<i>Aġenzija Appoġġ</i>)</p> <p>Dr. Lara Lanfranco (Office of the Attorney General)</p> <p>Ms. Ruth Cassar Bonanno (Caritas)- as from July 2012</p> <p>Mr. Paul Demajo Albanese (Central Visa Unit)</p> <p>Dr. Mariella Grech (Citizenship and Expatriate Affairs Department)</p> <p>Mr. Edwin Camilleri (Employment and Training Corporation)</p> <p>Dr. Maria Sciriha (Ministry for Health and Elderly Care)</p> <p>Ms. Joyce Damato (Ministry for Home Affairs)</p> <p>Dr. Katrine Camilleri (Jesuit Refugee Service)- as from July 2012</p> <p>Supt. Paul Vassallo (Vice Squad, Police)</p> <p>Insp. Louise Calleja (Prostitution and Human Trafficking Unit; Vice Squad; Police)</p> <p>Insp. Edel Camilleri (Special Branch; Police)</p>	Implemented
Identification of international partners to assist in the implementation of measures foreseen by this and future Action Plans.	4 th quarter 2011	A formal contract for the provision of such assistance was concluded between IOM and the then Ministry for Justice and Home Affairs.	Implemented
Follow-up on past training		Training for stakeholders was held on 24-27 th March 2012. The training focused on victim identification and referral.	Implemented

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initiatives, including by means of the delivery of training to the Judiciary, Assistants to the Judiciary, law enforcement officers, the legal profession and the Police Force, as well as to officials of <i>Aġenzija Appoġġ</i> , the Agency for the Welfare of Asylum Seekers (AWAS), the Office of the Refugee Commissioner and other Public Authorities, as well as NGO's involved in the sector.	1st quarter 2012	Further training was held on 17-20 th July, focusing on victim identification and support.	
Assess current procedures for the identification of human trafficking cases prior to the initiation of prosecution proceedings, and make proposals as necessary to reform the relevant procedures.	1 st quarter 2012	<p>In view of the challenges posed by crimes investigated by the Police Vice Squad, which require a greater degree of specialisation, the Squad has been split into three specialised units, as follows:</p> <ul style="list-style-type: none"> a) Gambling/Betting and Corruption in Sport b) Domestic Violence and Child Abuse c) Prostitution and Trafficking in Human Beings <p>This reform entered into effect on 25th January 2012.</p>	Implemented
Conducting an awareness raising campaign	<p>Awareness campaign conducted over the period</p> <p>2nd quarter 2012- 4th quarter 2012</p>	<p>The first awareness raising initiative was conducted in the 4th quarter 2011, when the Director (Policy Development) together with Inspector from the Vice-Squad (Police) spoke on human trafficking issues on the <i>Qalb in-Nies</i> programme screened on 24th October 2011.</p> <p>On 10th September 2012 information relating to human trafficking was published on the website of the Ministry for Home Affairs. Further to explaining what human trafficking is all about, the text provides information relating to victim identification and indicates the authorities to be contacted in case of difficulty.</p> <p>On 12th September 2012 such information has also been uploaded on the <i>Aġenzija Appoġġ</i> website.</p>	<p>Partially implemented.</p> <p>Further actions are to be undertaken, including TV and radio spots.</p> <p>Further action in this sphere is foreseen by the second National Action Plan on Combating Trafficking in Persons.</p>
The establishment of a Manual of Procedures, including guidelines for the identification of victims of trafficking for Health Care	2 nd quarter 2012	Human trafficking indicators for Malta were developed during training for stakeholders that was held on 17-20 th July, focusing on victim identification and support. Consultations were held following the formulation of such indicators. The indicators have then been submitted to the Monitoring Committee for approval.	<p>Partially implemented with a delay.</p> <p>The indicators are to be formally approved by the Monitoring Committee.</p>

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Providers, Social Service organisations and Law Enforcement officers.			Further action in this sphere is foreseen by the second National Action Plan on Combating Trafficking in Persons.
The formalisation of existing arrangements and conclusion of new arrangements, including by means of MOUs, for the identification and referral of victims of trafficking.	2 nd quarter 2012	Referral was discussed during the IOM-driven training delivered during the 1 st quarter 2012. SOPs were subsequently drafted and submitted to the Stakeholders' Taskforce and other stakeholders in August 2012.	Partially implemented. The SOPs are being discussed within the Stakeholders Taskforce, which involves both Government stakeholders and NGOs. Further action in this sphere is foreseen by the second National Action Plan on Combating Trafficking in Persons.
Completion of a study relating to the needs of victims of human trafficking based on available data and secondary sources.	3 rd quarter 2012	Mr. Stefano Volpicelli, the expert contracted by MHA, is being tasked with the fulfilment of this task.	Not implemented. It was considered that the contracting of external expertise was required in order to better implement this task. The task has therefore been assigned to Mr. Volpicelli. This action has been incorporated into the second National Action Plan on Combating Trafficking in Persons.
To review and monitor anti-trafficking domestic legislation related to trafficking, and its practical implementation whilst pursuing the full implementation of international legal instruments, including transposition of Council Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Directive 2002/629/JHA.	3 rd quarter 2012	The monitoring of national anti-human trafficking legislation commenced well ahead of the 3 rd quarter 2012; in fact Bill No. 97 entitled the Various Laws (Criminal Matters) (Amendment) Act, 2011, published on 29 th November 2011, provides for: -An increase in penalties in relation to human trafficking by means of amendments to Article 248A (1) and 248C of the Criminal Code. -An increase in the fines prescribed by Article 248E. The Bill also provides for the transposition of Directive 2011/36/EU, by: -Introducing a penalty for the incitement or abetting or the attempt to traffic a person. The penalty is three to seven years imprisonment.	Implemented ahead of schedule. Further action in the legislative sphere will be taken in fulfilment of the second National Action Plan on Combating Trafficking in Persons.

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		<p>-prescribing penalties applicable to a body corporate benefitting from human trafficking.</p> <p>Other provisions within the Directive have either already been transposed by existing provisions of the Criminal Code, or will be implemented through the provisions foreseen by the present Action Plan, as they are operational, as opposed to legislative, in nature.</p>	
Publication of a yearly report (including statistics) on actions undertaken in the field of human trafficking	4 th quarter 2012	Report being published.	Implemented