

Report on the Malta Action Plan on Combating Trafficking in Persons- 2013

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

Background

Malta remains committed to suppress human trafficking through several initiatives, including the development of victim assistance services, training of government officials, and raising of public awareness. Therefore, during 2013 further actions were undertaken with a view to implementing Government’s Policy in this sphere. On the 21st January 2013, the Monitoring Committee concluded and approved the Second National Action Plan against Human Trafficking, which covers the period January 2013 to December 2014. The implementation of the Second National Action Plan ensures the completion of tasks carried over from the First National Action Plan, further to enhancing capability at executive level through appropriate action. Furthermore policy action aims to ensure the implementation of international commitments by Malta, including the *objectives of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016* and *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*, thereby confirming Government’s commitment in this sphere.

Ongoing Actions

Seven of the Actions contemplated by the present Action Plan are to be implemented on an ongoing basis during the course of 2013 and 2014. These Actions are:

- ***The regular convening of the Human Trafficking Monitoring Committee and the Stakeholder Task Force on Trafficking in Human Beings;***

During 2013 the meetings held by both the Monitoring Committee and the Stakeholders’ Task Force in general concerned:

1. Discussions and finalising the drafting of the Standard Operating Procedures and their approval by the Stakeholders Task Force;
2. Discussion and organisation of logistics for the conducting of the national study on human trafficking;
3. The approval by the Monitoring Committee of the National Indicators and their dissemination to the relevant stakeholders for implementation;
4. Discussions regarding data collection in this sphere;
5. Discussion regarding the drafting of the Bill pertaining to the transposition and implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

- *The submission of a progress report to the Prime Minister, once every 6 months;*

The 6 monthly report was submitted to the Honourable Prime Minister on the first of July 2013.

- *Enhancement of the Administrative Capacity of the authorities involved in victim identification, victim support or the apprehension/prosecution of offenders;*

Logistics and preparations were finalised in order that training sessions were held on one-to-one basis with professionals working with vulnerable persons, including Aġenzija Appoġġ and the Agency for the Welfare of Asylum Seekers (AWAS) to raise awareness among their clients.

- *The fostering of awareness among persons vulnerable to human trafficking;*

By means of the ongoing contract with the International Organisation for Migration (IOM) a TV spot relating to human trafficking was finalised and aired on the national channel TVM, during prime time every day from Tuesday, 25th June till end of September 2013.

- *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);*

The Development and Policy Implementation section within the Ministry for Home Affairs and National Security provided contributions for the EU Anti-Trafficking Coordinator of the EU Commission and the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA).

- *Participation in international conferences and events, including meetings hosted by the EU Anti-Trafficking Coordinator; and,*

An officer from the Development and Policy Implementation section within the Ministry for Home Affairs and National Security attended events held for the purpose of the implementation of the EU Strategy on Human Trafficking and the Directive 2011/36/EU for combating Human Trafficking.

- *Upholding and strengthening ongoing Police efforts towards the identification of new crime trends and risks. Reviewing Police modus operandi as necessary in order to better address changing situations.*

The action mentioned above is implemented by means of constant communication and ongoing collaboration between the Development and Policy Implementation section within the Ministry for Home Affairs and National Security and the Police especially the Prostitution and Trafficking Unit within the Vice Squad. The Ministry for Home Affairs and National Security also contributed towards this objective by sponsoring training abroad to the Head of this Unit for continuous professional development and capacity building.

These actions, as mentioned above are subject to specific timeframes as featured in the National Action Plan 2013-2014 (attached to this report).

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

The Prostitution and Trafficking in Persons Unit within the Vice Squad reported that they conducted 563 inspections in connection with street prostitution always keeping in mind indicators of human trafficking during these inspections.

In 2013, 6 new cases were encountered all relating to sexual exploitation. Out of these, 7 victims were formally identified by the Police and another 2 are considered as potential victims since they did not wish to report to the Police. Victims were all adult females of the following nationalities:

- Chinese;
- EU Nationals from 3 Member States;
- Maltese (1 person).

Perpetrators were operating a massage/beauty parlour and using it as a front for prostitution and for forcing workers to provide sexual services to clients to pay debt held with the employer/perpetrator. Hence, debt bondage was part of the *modus operandi*. The Maltese victim was also coerced into prostitution by her trafficker. The latter is being considered as an internal case of human trafficking, a first of its kind in Malta. *Aġenzija Appoġġ* provided shelter to one Romanian and one Hungarian national who did not wish to report their case to the Police. All the other victims were also provided shelter by *Aġenzija Appoġġ* as well as various other services such as social work and psychological support, assistance during court hearings and also referred for medical treatment where needed. All foreign victims have left the island wishing to return to their home country except one Chinese national who wishes to remain working in Malta. She was still being provided with assistance and support at the time of writing of this report.

The alleged traffickers were all arraigned in court for charges of keeping a brothel, living off the earnings of prostitution and trafficking in human beings; cases are still *sub judice*. Investigations are still pending regarding one alleged perpetrator who left the island for medical treatment.

The most recent case of this year was encountered in December where a female Polish national was arraigned in Court accused of allegedly running a brothel for the trafficking of two female victims for the purpose of sexual exploitation.

Contracting of International Expert to assist the Maltese authorities

The Ministry for Home Affairs contracted the services of a former IOM expert for a period of nine months running from November 2012 till July 2013. He was assigned several tasks, including the provision of on-the-ground training for stakeholders in the sector and mentoring of professionals working with vulnerable persons, thereby addressing administrative capacity requirements. It is considered that such action is an investment in the human resources of the entities concerned. On-site visits were conducted whereby meetings were held with the officials of each entity to identify the training needs and resultantly targeted training events were held. Amongst other, training has been

held with the management and personnel of *Aġenzija Appoġġ*, the Agency for the Welfare of Asylum Seekers (AWAS), Caritas and the Jesuit Refugee Service (JRS). Other training events targeted officials working in One-Stop-Shop Community Centres. Over 150 professionals have undertaken this training and it is considered that this would benefit victims of sexual exploitation, as well as victims of other forms of exploitation.

Local Research

Another action taken in respect of tasks foreseen by the contract with the foreign expert was the conducting of a research on human trafficking scenario. The agreed title for the study was ‘Assessing the presence of persons having experienced human trafficking before their arrival in Malta or vulnerable to trafficking in the future, among the population of undocumented immigrants arriving in Malta by sea’. Meetings were held between the researcher and the relevant authorities in connection with data collection and analysis prior to the commencement of study.

The foreign expert was also tasked with conducting the first local study on human trafficking which primarily aimed to determine the needs of victims of human trafficking in Malta, based on scrutiny of available data and secondary sources, as well as qualitative interviews conducted with service providers. Furthermore, the study assessed past cases of human trafficking found in Malta and the support which was offered to the victims. Qualitative data was obtained by means of a self administered questionnaire with persons deemed to pertain to categories at risk.

Conclusions from the study reveal that most migrants did *not* experience forced or deceitful recruitment and conditions of dependence before they landed in Malta. Thus indicators of human trafficking do not subsist. However the second hypothesis tested reveals that since the migrants who arrive in Malta generally did not wish to come to Malta, many want to leave Malta as a matter of priority. This fact may make them vulnerable to exploitation.

The final report and the results of the research were presented to the Ministry at the end of the term of the contract.

Council of Europe Convention on Action against Trafficking in Human Beings

Pursuant to the first evaluation visit in Malta by the Group of Experts on Action against Trafficking in Human Beings (GRETA), the first report on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in Malta was adopted during the 10th meeting of the Committee of the Parties on February 15th 2013 in Strasbourg. In general the Malta report was positive whereby the Committee welcomes the measures being taken by the Maltese authorities to combat trafficking in human beings. Nevertheless the Committee also put forward recommendations for further action in order to improve the implementation of the Convention by Malta. The authorities took note of the recommendations and are considering their implementation by means of the National Action plan or by any other action which requires to be taken in parallel with Action Plan.

Legal Framework

Act XVIII published on the 6 December 2013 amended provisions in the Criminal Code of the Laws of Malta to address key developments in relevant law provisions. Such amendments introduced mainly provisions for the transposition of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. Additional amendments to the legal framework include proposals for amendments as put forward by the GRETA committee for improved compliance with the Council of Europe Convention against Human Trafficking. Some other amendments were added by Government in order to ensure a holistic legal framework to curb crime in this area and to provide the appropriate tools for the police and the judiciary to act for the suppression of human trafficking in all forms it happens.

The Criminal Code now increases punishment both in terms of fines and length of prison sentences which are considered to serve as a deterrent to prevent trafficking in person in all situations of exploitation. Aiding and abetting and indirect involvement in human trafficking now shall be considered to be a crime. When a person is found guilty of engaging in or making use of the services or labour of a trafficked person, he shall be liable to punishment by imprisonment. Moreover, when an offence is committed for the benefit, in part or in whole, of a body corporate, the legal person representing the entity is subject to punishment in addition to the judicial winding up and/or temporary or permanent closure of the establishment concerned amongst other punishments. Furthermore the term 'forced labour' was also added in the Criminal Code so that together with the other amendments augments the recognition of human trafficking for the purpose of labour exploitation as the severe crime that it is.

Harmonised data collection

An exercise is underway to create a common tool for the harmonisation of data collection amongst all relevant actors in this field. The Anti Trafficking Monitoring Committee shall be responsible to collect data from all relevant stakeholders and keep such data for reporting to the EU Commission as envisaged by the EU Directive. Therefore national cooperation in this sphere shall encourage better reporting, identification of new trends as well stimulating far reaching action under both the EU Directive as well as the COE Convention. When the data collection tool is developed all stakeholders shall be provided with training in order that they are sensitised towards collecting important information and according to National Indicators in this field.

Standard Operating Procedures (SOPs)

Following consultation with stakeholders involved as well as the Anti-Human Trafficking Monitoring Committee, Standard Operating Procedures for victim referral were developed. These are pending the approval and signature of the head of department and entities. These SOPs will be partly transposing the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

Conclusion

All stakeholders involved in the fight against human trafficking in Malta including NGOs and experts from the national Stakeholders Task Force as well as the Anti-Human Trafficking Monitoring Committee shall continue to meet together thus stimulating joint action to prevent and address human trafficking in Malta based on the implementation of the National Action Plan and the EU Strategy in this field.
