

US TIP Report 2014

MALTA (Tier 2)

Malta is a source and destination country for women and children subjected to sex trafficking. Female sex trafficking victims primarily originate from China, Hungary, Poland, Romania, Russia, and Ukraine. Women and children from Malta have also been found subjected to sex trafficking within the country. Forced labor victims largely originate from China and the Philippines. Filipina domestic workers, Chinese nationals working in massage parlors, and women from Central and Eastern Europe working in nightclubs represent populations vulnerable to exploitation. Maltese children in prostitution were vulnerable to sex trafficking in Malta. While there have been documented cases of sex trafficking of children in Malta in the past, no new cases were documented in the reporting period. The approximately 5,000 irregular African migrants from African countries currently residing in Malta may be vulnerable to human trafficking in the country's informal labor market.

The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the government developed victim referral guidelines, it reduced the amount of public funds for trafficking programs by 70 percent. Furthermore, while the government continued to identify victims, including one victim of internal trafficking, it did not identify any child victims, including among children prosecuted by Maltese courts for prostitution offenses. Authorities initiated more trafficking prosecutions, yet the government did not convict any trafficking offenders for the second consecutive reporting period. The government passed an amendment to the criminal code that enhanced penalties for offenders and better aligned the code with international law on consent. The government launched a public awareness campaign during the reporting period.

Recommendations for Malta:

Strengthen efforts to identify trafficking victims proactively among vulnerable populations, particularly migrants, women, and children in prostitution; increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; continue to ensure that convicted trafficking offenders, including any officials convicted of complicity in trafficking, receive adequate punishment, including time in prison; ensure law enforcement officials receive adequate trafficking-specific training; ensure that victims of trafficking are not punished for acts committed as a direct result of trafficking, particularly children induced into prostitution; ensure victim services are adequately funded; and train authorities on the use of the standard operating procedures for victim referral.

Prosecution

The Government of Malta demonstrated mixed progress in its law enforcement efforts during the reporting period. Malta prohibits all forms of both sex and labor trafficking through Article 248A-E of the criminal code, which prescribes penalties of four to 12 years' imprisonment—penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government amended its criminal code to increase the penalties for trafficking and provide penalties for principal officers of corporate bodies found guilty of trafficking offenses. The government also amended its criminal code to ensure victims' initial consent is deemed irrelevant to a trafficking prosecution. The government investigated four new trafficking cases during the reporting period, compared to seven cases in the previous period. Authorities initiated prosecutions of five suspected trafficking offenders, an increase from two prosecutions initiated in the previous reporting period. There were no convictions in the previous two reporting periods. The prosecution of a police officer for alleged involvement with the trafficking offender convicted in 2011 remained pending due to an appeal of the conviction. The government provided trafficking-specific training for the police force, but did not offer training for prosecutors or the judiciary.

Protection

The Government of Malta took steps to improve its victim protection efforts during the reporting period by developing a victim referral mechanism. Police identified seven trafficking victims in the reporting period, compared to four in the previous period. One of the victims was a Maltese national. None of the victims identified was a child, and the government has not formally identified a child victim of trafficking in at least 11 years. NGOs identified an additional two potential trafficking victims who chose not to report to the police. In January 2014, the government's trafficking monitoring committee approved standard operating procedures for the referral of potential trafficking victims to assistance. The procedures allowed a range of entities to refer victims to *Aġenzija Appoġġ*, a government social services agency, for crisis intervention care, including emergency shelter. Adult victims could leave the shelters on their own without supervision. The government continued to fund an international expert to train some public officials on trafficking, including social workers, psychologists, and care providers.

Maltese law offered victims a two-month reflection period. Victims who decided to assist police in prosecuting trafficking cases were entitled to a temporary residence permit, police protection, legal assistance, and the right to work. The government did not issue such permits to the six foreign victims who assisted law enforcement during the reporting period, as the victims already had valid residence permits. In 2014, a Maltese court ordered video conferencing to be used in hearing testimony from a victim-witness. The criminal code amendment also granted trafficking victims access to compensation available to victims of violent international crime. No victims sought compensation from their traffickers, nor the government, and observers noted that victims were not adequately informed about their right to pursue compensation. There were no reports that the government penalized identified victims for unlawful acts they may have committed as a direct result of being trafficked. However, Maltese courts have convicted some minors in prostitution in recent years, and these may have been unidentified victims of human trafficking.

Prevention

The government sustained its anti-trafficking prevention efforts. The government reduced its budget for trafficking programs to the approximate equivalent of \$61,900 in 2013 from \$206,200 in 2012. The government enhanced its transparency by issuing a semi-annual progress report on the implementation of its 2013-2014 action plan. During 2013, the government ran a trafficking-focused public service announcement for primetime television and issued information leaflet in entertainment venues, government offices, and embassies. The government inspected seven clubs and massage parlors during the reporting period to detect illegal work and potential trafficking cases, compared to at least 135 inspections during the previous reporting period. *Aġenzija Appoġġ* continued to run a social services hotline that could receive calls about human trafficking, but there was no available data indicating that the hotline received any trafficking-related calls during the reporting period. The government took measures during the reporting period to reduce the demand for commercial sex acts and forced labor.