

Malta - United States Department of State

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; therefore Malta remained on Tier 2. These efforts included increased victim care funding, public awareness campaigns, and convictions, which included significant prison sentences. However, the government did not meet the minimum standards in several key areas. The government decreased both investigations and prosecutions, identified and referred fewer victims, continued to lack coordination among ministries, and did not effectively enforce labor recruitment regulations or control massage parlors where vulnerability to trafficking was high.

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. • Increase efforts and training of relevant staff and officials to proactively identify trafficking victims, including Maltese nationals, and among vulnerable populations, particularly children, migrant workers, and individuals in commercial sex. • Improve coordination efforts among ministries to effectively implement a finalized and funded national action plan. • 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 control 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 to increase the possibility of successful convictions. • Institutionalize anti-trafficking training for front-line officials, police officers, prosecutors, and judges, and use it to increase focus on working with victims. • Ensure adequate availability of interpreters for victims.

PROSECUTION

The government made uneven law enforcement efforts. Article 248A-G of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of four 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. In 2019, the police vice squad, which is responsible for trafficking, initiated five investigations into eight suspects for sex trafficking and one investigation into one suspect for labor trafficking. The police vice squad also continued the investigation of five cases involving eight suspects ongoing from prior years. This compared with 10

investigations in 2018. The government did not prosecute any suspected traffickers in 2019, compared with 10 prosecutions in 2018. Prosecutions of 20 suspects, all of whom were released on bail, from prior reporting periods remained ongoing. The government convicted three traffickers during the reporting period. Two traffickers, one male and one female, were convicted of sex trafficking and sentenced to 12 years' imprisonment and a fine, making it one of the longest trafficking sentences to date. The third trafficker, a male, was convicted of forced labor and sentenced to two years' imprisonment and a fine, compared with one conviction with a fully suspended sentence in 2018. The 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 trafficker, remained ongoing during the reporting period. A court hearing for the former police officer was scheduled for April 2019, but the government reported the case was deferred for final submissions; if guilty of complicity in trafficking, the prolonged court proceedings and lack of a court judgement contributed to impunity and inhibited justice for victims. An NGO-led training, co-funded by the government as well as other foreign governments, provided anti-trafficking training to Maltese officials, the government sent four front-line officials abroad for anti-trafficking training, and 35 social workers participated in a training on anti-trafficking procedures. The police cooperated in a joint international sex trafficking investigation, which resulted in the arrest and extradition of one suspect.

PROTECTION

The government decreased protection efforts. Police identified 11 foreign trafficking victims and zero Maltese victims during the reporting period, compared with 24 and 30 victims, respectively, in the two prior reporting periods. There were nine victims of labor trafficking and two victims of sex trafficking, four of whom were male and seven female. The majority of victims were from the Philippines, but there were also victims from Bangladesh, Colombia, The Gambia, and India. In 2019, the government did not identify any children or Maltese victims. Officials and NGOs continued to utilize standard operating procedures to systematically refer victims to the national social welfare agency, where all 11 victims were referred for care and provided with shelter and psycho-social assistance. The national social welfare agency continued to coordinate effectively with the police, legal aid, and health services to provide quality care to victims. Two full-time, specialized social workers at the national social welfare agency assessed the long-term needs of each victim and arranged for shelter, food, counseling, translators, and assistance with obtaining legal status and job searches, as well as medical and legal aid appointments. Victims could receive protection services, regardless of their agreement to cooperate with law enforcement. While there was no time limit for victims to access some services, such as services from social workers, their stay in 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. Approximately 3,100 migrants arrived in Malta in 2019, more than three times as many compared with the 1,000 migrants in 2018, after which they were placed in one of four government-run open centers. Migrants remained vulnerable to trafficking, but the government, in cooperation with an NGO, continued to offer trafficking education sessions and screen for victims of trafficking. During the reporting period, police continued to screen for sex trafficking victims among individuals in commercial sex. In 2019, the government spent €83,400 (\$93,710) on victim

care, including salaries for two social workers, training, and safe housing for victims; this amount was an increase compared with €53,000 (\$59,550) in 2018.

The government encouraged, but did not require, victims to assist in the investigation and prosecution of their alleged traffickers. The government also provided victims with protective support, including the option to testify via video, although courts inconsistently offered it. Victims could make use of interpreters, and courts endeavored to keep their identities confidential; however, some victims reported challenges in accessing interpreters. 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 option 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 work. 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 also did not report providing temporary residence permits to trafficking victims identified during the reporting period, compared with 15 provided during the previous reporting period. The government could grant compensation to victims from state funding; unlike in previous years, the government did not issue compensation to any victims during the reporting period because it received no such requests. Additionally, prosecutors could file for restitution from traffickers in criminal cases; unlike in previous years, the government did not award restitution to any victims during the reporting period.

PREVENTION

The government maintained prevention efforts. The inter-ministerial anti-trafficking monitoring committee is responsible for implementing the national action plan, coordinating data collection, functioning as the national rapporteur, and reviewing policy and practice. However, the committee did not meet during the reporting period. While the government did not have a national action plan, it did have a draft 2020-2023 plan. The government also had an anti-trafficking stakeholder task force, which included civil society, but it did not report efforts the task force undertook during the reporting period. Authorities and NGOs continued to report a lack of effective interagency coordination on trafficking issues. The government reduced its anti-trafficking training budget from €20,000 (\$22,470) in 2018 to €16,000 (\$17,980) in 2019. The government held an awareness raising conference attended by 106 government ministers, police, and diplomats. In July 2019, the government launched a new 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 continued to increase public awareness by organizing a variety of initiatives, including a new anti-human trafficking website, available in six languages, with trafficking indicators and victim stories; anti-trafficking television commercials on the three largest networks; plays, information sessions, and the publication of a children's book to teach children about trafficking; anti-trafficking media advertisements and billboards; a photographic exhibition at the residence of the prime minister; and many other initiatives. During the reporting period, the government created a checklist to assist private sector stakeholders in assessing their compliance with relevant legislation and ethical recruitment standards, especially for migrant workers. The Employment Agencies Regulations law regulated labor recruiters and required recruiters to

have a license. The law did not allow workers to be charged recruitment fees, but it still sometimes occurred. The national employment authority conducted 3,920 routine inspections of employers 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 for massage parlors, which remained places of high concern for 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 made 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. The national welfare agency continued to operate a hotline for individuals in need of social services, including potential trafficking victims; two labor trafficking victims were referred to care via an NGO hotline 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, 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 5,000 irregular migrants from African countries residing in Malta are vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic sectors. Fraudulent labor recruitment continues to occur; traffickers replace the originally signed contract with a less favorable one upon arrival or force victims to perform a completely different job than what was agreed upon. Traffickers confiscate the passports of victims upon arrival. Co-nationals and Maltese citizens frequently work together to exploit trafficking victims.