

Report on the implementation of the Malta Action Plan on Combating Trafficking in Persons
January 2015- December 2016

Submitted in accordance with the Action: “The submission of a progress report to the Prime Minister, once every 6 months”

Report for July - December 2015

During 2015 actions were undertaken with a view to implementing Malta’s Third National Action Plan on Combating Trafficking in Persons (January 2015 – December 2016). The National Action Plan presents a framework for addressing trafficking for labour exploitation, prioritising effective responses to the needs and voice of victims and their rights by increasing awareness among stakeholders working in the field as well as targeted information addressing civil society in general. In addition, a second national research is envisaged to help to achieve a better vision of the phenomenon amongst women migrants in Malta.

Throughout the last semester of 2015 implementation action addressed measures requiring ongoing attention, as well as other measures, in particular those that were to be concluded during the 2nd and 3rd quarters of 2015.

Action was taken in relation to the following measures to be implemented on an ongoing basis:

- **The regular 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, once every 6 month;**
- **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:

- **Focused training relating to trafficking for the purpose of labour exploitation, with a view to improving capacity for the identification of this crime;**
- **Training related to the extraction of intelligence; and**
- **Training for diplomatic and consular personnel: possibly held through the utilisation of video conferencing facilities.**

Training for all stakeholders, Community Workers, Ambassadors and Diplomats was provided in July 2015. This training focused in particular on human trafficking for labour exploitation.

Training was provided by two IOM experts, one from Brussels and one from the UK. 40 stakeholders, including 10 Police Officers attended 2 half day training sessions and an additional half day training session targeted 35 Community Workers who work at Community Centers.

In addition another training event was dedicated to 150 Ambassadors, Diplomats and Consuls working in the Maltese Foreign Representations. While in Malta, they were briefed about what is human trafficking amongst other matters, and also about their role in the prevention of this phenomenon.

Stakeholders benefitting from July training were:

Police, Appogg Agency, Health, Employment and Training Corporation, the Jesuit Refugee Service, Caritas Malta, the Agency for the Welfare of Asylum Seekers, Department of Industrial and Employment Relations, Citizen and Expatriates, Health, Visa Unit, and Office of the Attorney General

- **Fostering awareness among stakeholders and potential victims, including through the distribution of information material relating to human trafficking.**
- **Stakeholders in the migration sphere would be alerted to the potential for exploitation among beneficiaries of international protection and asylum seekers.**

As a follow up to the session held with Ambassadors and Diplomats, brochures will be disseminated amongst the various Representations. These brochures were translated into different languages and feature information about regular work and work conditions in Malta and indicators of human trafficking. Police and Appogg Agency helpline numbers are also indicated in the brochure. This leaflet was drawn up by IOM in consultation with the stakeholders and MHAS, and is aimed at providing information to third country nationals who wish to come to Malta to work. This will be in part implementing projected measures regarding awareness-raising.

- **Review of available statistical data relating to recognised human trafficking cases as well as potential cases with a view to better disaggregate such data in accordance with established best practices**

The Ministry for Home Affairs and National Security takes the lead in implementing measures addressing human trafficking and is also responsible to provide administrative support to the Anti Human Trafficking Monitoring Committee. One of the responsibilities of this Committee is to keep a database as well as provide information to both local and foreign entities requiring information about the situation in Malta. Thus the database, which has been created for the purpose, has been reviewed and updated in accordance with requirements established by 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, and replacing Council Framework Decision 2002/629/EC.

Efforts are ongoing by national entities in their obligation to better prevent and address human trafficking. The following developments were registered:

- **During 2015 the Police uncovered 2 new cases and 3 people were arraigned in Court with charges of human trafficking. 3 Victims were assisted by the social welfare services as well as the Jesuit Refugee Services.**
- **A letter sent by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) announced the initiation of the second evaluation round in respect of Malta. GRETA initiated the second evaluation round by sending a Questionnaire to the Maltese authorities requesting information on action taken by Government for the implementation of the Convention. In return, the Ministry for Home Affairs and National Security together with the different national bodies concerned submitted a consolidated version of the official reply to the questionnaire to GRETA.**

It was also announced that GRETA's evaluation visit to Malta was scheduled to take place from the 15-19 February 2016. The visit was held as scheduled. A report of the visit by GRETA is to be submitted in due course.

- In 2015 training was provided to stakeholders involved on the application of the law relevant to the reflection period provided by measures in SL 217.07 on Permission to Reside for Victims of Human Trafficking and Smuggled Persons.
- The Ministry for Energy and Health drafted Bill 141 for an Act to provide for human organs, tissues and cell donation and transplantation in Malta and to provide for matters ancillary or consequential thereto. A section in this same act shall address organ trafficking. In fact the draft text is intended to make provisions for substantive articles of the Council of Europe Convention against Trafficking in Human Organs. In addition the Criminal Code shall also be amended in order to become in line with measures prescribed by the said Convention. Bill 141 for Act was published and is currently on Parliament's agenda to be discussed in second reading stage.
- During 2015 officials from the Ministry for Home Affairs and National Security (MHAS) have been engaged in partnership with the Netherlands in a project for multidisciplinary approach action against labour trafficking. The project sought to draw up guidelines relating to such matters further to eventually approving Council Conclusions relating to the fight against trafficking. In the run up to the accumulation of information for this manual Ministry officials, the Police, Appogg professionals and ETC officers have contributed by participating in workshops abroad and exchanging information about cases of good practice amongst other. Officials from MHAS shall during 2016 have a participative role in a Conference to be held for the purpose of publishing the Manual.
- An official from the Ministry for Home Affairs and National Security (MHAS) has been nominated as a national expert by the European Asylum Support Office (EASO) so that together with three experts from different EU Member States develop a Training Tool on Trafficking in Human Beings and International Protection on labour exploitation. Following the drawing up of this tool the same experts shall be delivering training to officials in all member states for further capacity building for better identification and raising awareness about human trafficking amongst persons arriving in the EU member states claiming international protection.
- Kopin Malta, a local NGO, participated as partner in an EU anti-trafficking funded project titled CATCH & SUSTAIN – European Cross-Actors Exchange Platform for Trafficked Children on Methodology Building for Prevention and Sustainable Inclusion.

Hence various professionals including police officers who encounter children during their call of duty were provided with three days of training in this regard. An officer from the Ministry for Home Affairs and National Security also delivered training on child trafficking and child trafficking indicators to participants in this project.

- The Employment and Training Corporation (ETC) has designed a Risk Based Approach to tackle the problem of employment for irregular immigrants and individuals who require an employment licence. It identified a matrix with the highest risks being:
 - i. Nature of work (highest being construction and entertainment such as hospitality);

- ii. age bracket of potential employees (most of the risk takers would be under the age of 35);
- iii. the area (or locality) within which the illegal employment is mostly recurring (highest risk being touristic areas);
- iv. Time of offence – ie the time wherein employment occurs (usually before 0500hrs and late evenings, after 2000hrs).

Based upon this matrix the ETC performs 3 types of inspections:

- i. Specific Inspection by the ETC Inspectors (which are working upon flexi time and outside-office infringement risk);
- ii. Routine Inspections which are ongoing;
- iii. *Joint Inspections with the Immigration Police which occur weekly are based upon the Sanctions Directive.*

One must also add that ETC investigates other breaches of serious nature such as underage employment as well as registering whilst working. The general modus operandi for such investigations is based upon a Risk Based Approach in order to be more effective and eliminate fishing expeditions.

- The Department of Industrial and Employment Relations (DIER) which falls under the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties continued to carry out inspections at places of work to ensure that provisions of the Employment and Industrial Relations Act and its subsidiary legislation are being observed.

DIER Inspectors are empowered to enter freely and without previous notice at all reasonable times in any premises or place liable to inspection under the Employment and Industrial Relations Act. Such premises and places are any premises or places in respect of which any provisions of the Employment and Industrial Relations Act and its subsidiary legislation or any recognised conditions of employment apply or any premises or places in respect of which an inspector has reasonable cause to believe that the Act or its subsidiary legislation or any recognised conditions of employment apply.

If and when the need arises DIER inspectors ask for the involvement of the police as regards inspections to places such as night clubs and massage parlors.