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*Human Rights Directorate*

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## **A CALL FOR ACTION on Trafficking in Human Beings (THB)**

The Human Rights Initiatives Unit within the Human Rights Directorate is currently conducting a study to identify any gaps which may exist in the legislative, institutional and policy framework for action against this crime and to obtain any recommendations which stakeholders and responsible entities to combat THB would like to put forward.

The Ministry for Home Affairs, Security, Reforms and Equality will set up an Anti-Human Trafficking Inter-Ministerial Committee and at a later stage ad hoc Human Trafficking Working Groups entrusted to identify the legislative and operational needs in the process of drafting a national strategy and action against Trafficking in Human Beings.

You are being invited to propose a representative for the IMC and report on behalf of the main bodies falling within governmental and non-governmental organisations within the Ministry.

The appointed representative shall seek the cooperation of stakeholders, non-governmental organisations, trade unions, research institutions, foundations, and academia to provide a detailed action plan on the measures undertaken by the authorities, entities, departments and organisations responsible to combat THB.

Read the Guidelines provided below and include the requested details in your plans. This information will be significant for the drafting of the national strategy to combat THB.

For more information, you are kindly requested to seek the assistance of the Initiatives Unit at the contact details provided below.

Thank you for your cooperation.

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Human Rights Initiatives Unit  
Email: [humanrightsinitiatives@gov.mt](mailto:humanrightsinitiatives@gov.mt)  
Telephone: 22263210



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### **SUBMISSION REQUIREMENTS**

#### **A. MINISTRY INFORMATION**

1. Ministry			
2. Include details of the Officers in charge within your Ministry for Policy Development and Programme Implementation to combat trafficking in Human Beings and in respect of the bodies, entities, authorities and department falling under your Ministry.			
Name	Position	E-mail address	Contact Number
3. Enlist all the governmental bodies duty bound to combat trafficking in Human Beings falling under your Ministry (Departments, Entities, Units, Agencies, Directorates, Authorities, Organisations or other).			
4. Identify the name of the legal responsible person/s <sup>1</sup> and their roles within the respective governmental bodies falling within your Ministry's portfolio.			
Name	Position	E-mail address	Contact Number

<sup>1</sup> The Legal Responsible Person within each entity to ensure the fulfillment of the actions and measures to prevent, protect and/or prosecute persons in violation of the law envisaged to combat trafficking of Human Beings and the implementation of the necessary mechanisms to guarantee the fulfilment of Malta's positive obligations under the international and national legal framework.



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## B. MINISTERIAL ACTION PLAN

All Ministries are required to submit a Ministerial Action Plan which includes proposed actions and measures to be undertaken to combat trafficking in human beings after 2023, following the expiration of the current National Action Plan on Human Trafficking 2020-2023<sup>2</sup>. The Plan should include a timeframe, resources, indicators, and budget, as per guidelines below. The aim of the plan is to ensure the effective and holistic implementation of Malta's legal obligations to carry out European and international legal obligations in the field of anti-trafficking. The Ministerial Action Plan must address the below strategic objectives (where applicable):

- Prevention of THB
- Protection of Victims of THB
- Response by criminal / judicial proceedings
- Partnership, coordination, and international cooperation
- Challenges and Recommendations

**Fill in the table below with general information on your Ministry's involvement in the fight against THB :**

Preamble, (describe the main functions of the identified entities falling under your ministry which may be relevant to combatting THB)	
Identify the Pillar (Prevention, Protection, Prosecution, Partnership) under which Ministry may participate in the fight against trafficking.	
Identify the entities having direct or indirectly responsibility in the fight against THB	
Identify and describe the strategic goals undertaken by your Ministry to prevent THB, and/or Protect Potential Victims of THB, and/or Prosecute and/or contribute in the gathering of data/ & statistics/ evidence	

<sup>2</sup> <https://homeaffairs.gov.mt/en/MHAS-Information/Documents/Trafficking%20in%20Human%20Beings/National%20Action%20Plan%20January%202020%20-%20December%202023.pdf>



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relevant during investigation process, and/or Establish Partnerships (national or transnational), and/or Raise Awareness on THB	
Describe the indicators being identified as a means to achieve your goals.	

**Under the following sections, please include any additional or pertinent information on access to justice and remedy that you think would support the Anti-Human Trafficking Committee in its work on the drafting of a National strategy on THB.**

1. Enlist the organization structure indicating the operational team responsible for anti-trafficking measures (enlist the roles of all stakeholders/actors/officers (including external partners) assigned to combat THB within your entity/organization)				
Name	Position	E-mail address	Contact Number	Role in the Ministerial Action Plan
2. Proposal for specialized training including which officers, number of officers and objectives of training.				
Training aimed for:	Target number of participants:	Aims & objectives:		



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3. Plan for awareness raising campaigns				
Campaign aim:	Description:	Means used (social media, printables, tv ads, etc.):	Target audience:	Expected reach:
4. Proposal for educational/support services.				
5. A list with indicators for early recognition of victims of trafficking to ensure the identification of potential victims of THB, for each of the following, where applicable:				
All forms of exploitation				
Sexual exploitation				
Labour exploitation				
Other types of exploitation (begging, perpetration of criminal activities, trafficking in organs)				
6. Provide a description of the monitoring, reporting and evaluation plan being employed to implement the actions proposed.				



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7. Provide a description of the support, protection and reintegration plan specifying the type of system of protection and assistance is available to victims of trafficking within your entity (if applicable).
8. Provide a description of the plan towards an effective criminal prosecution and investigation in relation to the National Referral Mechanism and data collection (if applicable).
9. Provide a description of the coordination and partnership plan with other Ministries/entities/stakeholders/etc.



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10. Provide a description of plan for further International Cooperation including prospects of signing of bilateral and protocols.		
11. Provide a Reference List including any material ( <i>reports, publications, online material, data, statistics,</i> ) with information relevant to measures and actions undertaken by your entity to combat the crime of THB. This material is necessary for the compilation of data by the National Rapporteur. Please include any links if the material is published online.		
Name:	Date of Publication:	Link: <i>(If source is not uploaded online, kindly attach soft copy to your replies or forward hard copy to HRD offices).</i>



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**C. LEGISLATIVE AND INSTITUTIONAL FRAMEWORK**

<p>1. Characterise the legal and/or policy frameworks relevant to the protection of victims or presumed victims of THB, as well as any global trends you would like to highlight. <i>Include information about any provisions criminalizing any form of THB, those that might establish distinct rights and/or restrictions for victims or presumed victims of THB, as well as any measures to identify and support victims or presumed victims of THB.</i></p>	
<p>2. Provide the legal references &amp; links to all Acts of Parliament including subsidiary legislation enacted and any legal notices, policies and procedures available to safeguard and enforce the provisions envisaged by the national legislators and governmental bodies to</p>	
i)	Prohibit any kind of exploitation;
ii)	Prohibit forced labour;
iii)	prevent trafficking in human beings;
iv)	combat trafficking in human beings;
v)	protect victims or potential victims of trafficking in human beings;
vi)	investigate and prosecute suspected persons.





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**D. OPERATIONAL AND TECHNICAL REQUIRMENTS**

**Malta will be in violation of Article 4 of the European Convention on human Rights whenever its authorities fail to take appropriate measures within the scope of their powers to remove an individual from a real and immediate risk of being subjected to treatment in breach of Article 4 of the Convention.**

1. Provide information on the national mechanisms and procedures currently applied to prevent, identify, inspect, and protect victims / potential victims of THB?	
2. What type of resources are being effective:	
In preventing THB;	
In protecting victims;	
In prosecuting of suspected persons;	
In strengthening coordination at national and international level between the various anti-trafficking bodies	
In discouraging the demand for all forms of exploitation of persons.	
3. What type of operational measures have been implemented by your entity to ensure that the relevant State authorities become aware of the circumstances giving rise to a credible suspicion that an identified individual had been, or was at real and immediate risk of being subjected to exploitation and treatment in breach of Human Rights?	



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4. Describe the procedures being implemented within your entity/ department/organization	
To protect victims or presumed victims of THB;	
To facilitate the identification of victims by qualified persons;	
To provide assistance to victims in their physical, psychological and social recovery	
5. How are other vulnerable persons protected when suspects of sexual activity arises, giving paramount consideration to the principle of the best interests of minors throughout the processes undertaken by your entity?	
6. Identify the required human and technical resources required to enable the proper administrative and operational assessments to be concluded to ensure sufficient evidence is compiled to demonstrate that the authorities knew or ought to have known of a victim of a human trafficking network in compliance with the legal obligations.	



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7. Elaborate on how inspections and investigations are being carried out to identify and prosecute the perpetrators (if applicable)
8. When is an investigation/assessment initiated?
9. What are the steps taken to collect evidence and elucidate the circumstances of the suspected crime?



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10. Identify any tools and/or IT/AI solutions to access information required during the investigation/assessment process.
11. Explain how the tools, check lists, standards, undertaken by your entity detect exploitation.
12. Explain the indicators applied to identify an irregular activity having elements of the crime of trafficking in human beings



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13. List the entities you collaborate with during the investigation/assessment.	
Entity:	Role in investigation/assessment:
14. What procedures are applied to ensure the independence and promptness and effectiveness of the investigation/assessment based on thorough, objective and impartial analysis of all the relevant elements?	
15. Describe the measures required to ensure a victim-centred approach during the processes applied by your entity.	



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16. What are the priorities in a matter of urgency?
17. Who is responsible to take into account the possible impact of psychological trauma and the ability of the victim to consistently and clearly relate the circumstance of his/her exploitation?
18. How are vulnerable persons removed from harmful situations? Where are they taken and what means are given to ensure their needs are met?



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19. Identify the shortcomings in the proceedings and the relevant decision – making process, namely errors or isolated omissions that are capable of undermining the investigation’s capability of establishing the circumstances of the case of the person responsible.

**Malta is also subject to a duty in cross-border trafficking cases to cooperate effectively with the relevant authorities of the other states concerned in the investigation of events which occurred outside its territory.**

20. Explain further how your entity contributes to effectively fulfill this positive obligation.



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21. The authorities are under a duty to act with special diligence in order to verify that the visa applications had been subjected to detailed scrutiny before the visas were issued and thus to dispel the doubts as to the probity of the public officials.

22. What kind of due diligence procedures are applied by public officers issuing visa permits to ensure the applicant is not involved in human-trafficking networks.

23. What monitoring and control measures are applied to identify criminal activity initiated online and/or through temping agencies.

24. How does your entity contribute in finding the witness/victim and obtain the address of actual residence to ensure that their testimony is given during proceedings brought by the authorities before the civil and criminal courts of justice?





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25. How does your entity ensure that the summons is effectively served on the witness required for the investigation
26. What are the elements that confirm use of force as well as harbouring and debt bondage?



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**E. TRANSNATIONAL COOPERATION WITH FOREIGN INSTITUTIONS/ORGANISATIONS**

1. Enlist any affiliations with international/regional and European institutions/organisations.		
Name of Organisation (in full):	Name of Organisation (acronym):	Description:



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**F. BUDGET**

1. Do you have any dedicated budget for the implementation of the proposed action as per Section B? If so, kindly elaborate and provide yearly amount.	€
2. Which resources and budget are being allocated to implement the national actions and GRETA's recommendations to Malta against Trafficking in Human Being in Malta?	



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## **G. CHALLENGES**

1. Describe the main challenges and shortcomings within your entity to ensuring the human rights of victims or presumed victims of THB.
2. Elaborate on any other human rights violation faced by victims / presumed victim of THB (such as for example, their right to health, water, housing, freedom of movement, freedom of association, etc.)
3. Elaborate on the challenges faced by victims / presumed victims of THB to obtain protection against their human rights violations.
4. Describe the challenges identified by your entity in ensuring that victims of THB who are survivors have access to justice.

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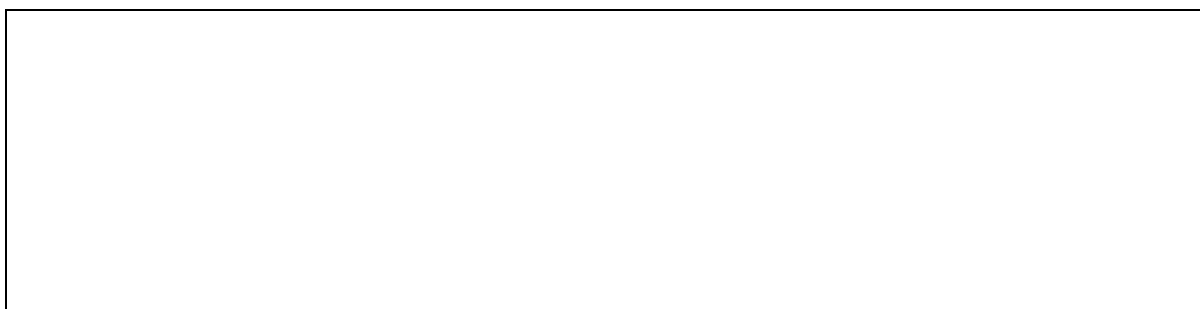


MINISTRY FOR HOME AFFAIRS, SECURITY,  
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**H. RECOMMENDATIONS**

1. What kind of resources are still required by your entity to combat THB?
2. Enlist the factors that might contribute to the increased vulnerability of individuals (political instability, environmental issues, contemporary forms of slavery, poverty), taking into consideration identification to minority groups, indigenous people, age and caste.
3. Provide details of good practice examples adopted by other countries in relation to protecting, identifying, and rescuing victims of THB. Include actions and initiatives taken by governments, civil society organizations, international organizations, media outlets, employers, individuals, survivors, etc.



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4. Provide information about any projects delivered by your organization or other civil society organisations to ensure protection of the human rights of victims / presumed victims of THB.
5. Provide information on any research, data or other information that your organization has produced or is aware of, relating to the protection of victims / presumed victims of THB.
6. Does your entity require training on how to combat THB? If so, please elaborate on the type of training you wish your entity / organisation receives and the positions of the officers requesting for such training.

For further information contact the Human Rights Initiatives Unit within the Directorate for Human Rights. Email: [humanrightsinitiatives@gov.mt](mailto:humanrightsinitiatives@gov.mt)