

National Referral Mechanism for Potential Adult Victims of Trafficking

Whenever it is not clear whether a potential victim is an adult or a minor, he or she shall be presumed to be a minor. In that case, use shall be made of the form for minors (up to 18 years of age).

Human Trafficking is the exploitation of persons who have been deceived by promises of better opportunities.

Some trafficked persons are forced to provide sexual services, while others are exploited for forced labour, working for low wages or no pay at all.

Further information about human trafficking may be found in page 5 of this document.

Personal Details

Last name: First name(s):

Also known as:

D.O.B:/...../..... Age: Sex: Place of birth:

Nationality: Language(s) spoken:

Any English spoken: Y / N Interpreter needed: Y / N

Other communication aids required (e.g. Sign language):

Residence Status: Documented/Undocumented

Reference numbers of relevant documents:

Safe telephone number/means of communication on which to contact the potential victim, e.g. personal mobile number:

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Other means of contacting the potential victim

Current address in Malta:

Other information (if applicable):

Contact details of person making referral (First Contact)

Name and Surname:

Designation:

Organisation: Section (if applicable).....

Tel: Mobile (optional):

Email:

Signature: Date:/...../.....

Details of encounter

Date:/...../..... Where was the victim encountered (provide address if different from above)

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Description of encounter with victim:

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Consent of individual

Consent to the referral to VICTIM SUPPORT AGENCY / LEGAL AID MALTA / Aġenzija Appoġġ

I consent to my details including name and date of birth being submitted to the Competent Authority to assist in the identification process.

Signed: Date:/...../.....

Consent to the referral to Police

I consent to my details including name and date of birth being submitted to the Police to assist in the identification process.

Signed: Date:/...../.....

Facts and Indicators relevant to the victim's case and circumstances (tick as applicable):

- Inability to speak Maltese or English (despite the fact that the person has been living in Malta for a long period of time)
- Inability to indicate precisely place of residence/address; no knowledge of village/town of residence
- No identification documents (including permits) in their possession, or absence of identification documents
- Fear of the authorities, particularly the Police
- Person always accompanied, usually by someone speaking on his or her behalf/Limited freedom of movement (person seems to be confined most/all of the time)
- Excessively long working hours
- Health aspects (signs of physical abuse/injuries/trauma and/or neglect)
- Overcrowded accommodation
- Students/young persons who don't speak any English
- Marriages of convenience (in the context of a forced marriage)
- Signs of people living at the workplace (i.e. clothing hanging on the fence of a construction site etc....)
- Unusually high turnover of staff, particularly at clubs, bars and other places of entertainment
- Domestic workers who are never seen outside and/or who are never seen outside on their own
- Extra security/doors closed during opening hours (places of entertainment)

NOTE: Specific health conditions/situations may include:

Signs of rape, sexually transmitted diseases often untreated and/possibly repeated pregnancies
Post traumatic stress disorders
Scars indicating removal of a kidney
Person is under surveillance when visiting a doctor, hospital or clinic for treatment
No health treatment coverage. Payment by cash and avoids going to state services where documents will be requested.

NOTE: The significance of the above elements from a human trafficking point of view Depends on the specific context of the case.

The relevance of such elements from a human trafficking viewpoint increases when a number of elements are encountered in combination.

Other circumstances relating to the victim that may indicate a human trafficking situation (tick as applicable):

- Isolation
- Having someone speaking on his or her behalf
- Physical neglect (poor hygiene, shabby appearance, substance dependence)
- Forced to live and work in the same place
- No cash availability despite being employed
- Poor knowledge of local context
- Illegal arrest (is locked or otherwise forcibly confined)
- Debt bondage (illegal debts at a high interest rate- usury; e.g. debt owed to employer or person closely linked to employer)
- Not free to quit his or her job, occupation or activity/Person is working against his or her will

First Contact Comments in relation to applicable indicators:

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NOTES FOR FIRST CONTACT

What is human trafficking?

An offence of Human Trafficking entails an infringement of the provisions of the Criminal Code (Cap. 9 of the Laws of Malta) falling under the heading 'Of the traffic of persons.'

A person may be accused of human trafficking if he/she **exploits** another person in:

- the production of goods or the provision of services (including working in conditions that infringe labour standards, prostitution and other sex-related services);
- slavery or practices similar to slavery;
- servitude;
- activities associated with begging; or,
- other activities, including the removal of any organ of the body.

In order for a trafficking accusation to subsist, the **exploitation of a person of age (18 years and over) would be conducted by means of:**

- violence or threats, including abduction;
- deceit or fraud;
- misuse of authority, influence or pressure; or
- the giving or receiving of payments or benefits to achieve the consent of the person having control over another person.

If the victim of human trafficking is a minor (under 18 years of age), the person abusing him or her may be considered a trafficker even if the means referred to above (e.g. violence or threats) have **not** been used.

Therefore, if a minor is say recruited and transported to Malta for the purpose of sexual exploitation, the person conducting such operation would still be subject to prosecution as a human trafficker even if the minor has not been abducted, and/or subjected to violence and/or has not been deceived by the trafficker at any stage.

Typically a human trafficker forces another person to perform acts or work against his or her will. For this reason human trafficking is an offence against the individual's freedom and dignity.

Victims of human trafficking: Who are they? What kind of abuses do they suffer from?

Trafficking for the purpose of Sexual Exploitation

Victims of trafficking for sexual exploitation can be women or men, girls or boys. Students and job seekers may fall victim to human trafficking for sexual exploitation, as the traffickers would lure them with promises of better work or educational opportunities abroad.

Traffickers usually intimidate and control their victims. Such control may be exercised by physically locking up the victim or by resorting to less obvious means, such as threatening to harm family members in the country of origin or through debt bondage.

It should also be noted that a person may knowingly decide to work in the sex industry, including prostitution, but consequently be forced to continue providing sex-services or prostitution. In such cases, the exploiter would still be regarded as a human trafficker at law and the victim as a victim of human trafficking.

Trafficking for Forced Labour

A person may be 'assisted' by a human trafficker to travel to another country (including by legal means) in order to take up employment there. The victim would be assigned a particular job, usually underpaid, and told to pay back the trafficker for having 'assisted' with the travel arrangements and/or any other matter. This often brings about a situation of debt-bondage, particularly as interests at a high rate would often have to be paid.

Such victims would typically be employed by the trafficker or a close associate, and may be controlled by several means, including physical segregation. There may be instances where such victims would have no knowledge of the language of the host country, thereby further increasing their vulnerability through inability to communicate. Such victims may also be living and working in sub-standard conditions, further to working excessively long hours.

Other forms of Trafficking

Other forms of trafficking have been encountered in Europe and elsewhere, including the trafficking of children for the purpose of conducting petty crime and begging activities, as well as organ removal, among others.

Human Trafficking is an ever-changing phenomenon and forms of exploitation and the profiles of victims may change over time.
