

National Referral Mechanism for Potential (Child) Victims of Trafficking

This form is to be filled in with respect to potential victims who are minors (up to 18 years of age) or who may be reasonably presumed to be minors.

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.

Child's 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:

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)

Description of encounter with victim:

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Details concerning latest known links with adults and/or family:

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RESTRICTED (when completed)**Potential indicators of children who may have been trafficked (Tick as appropriate)****Child development**

Exploitation	Y	S
1. Physical symptoms of exploitative abuse (sexual, physical etc)		
2. Underage marriage		
3. Withdrawn and refuses to talk / appears afraid to talk to a person in authority		
4. Psychological – indications of trauma or numbing		
5. Evidence of drug, alcohol or substance misuse		
6. Not enrolled in school		
7. Has money, expensive clothes, mobile phones or other possessions without plausible explanation		

Parenting capacity

Exploitation	Y	S
8. Required to earn a minimum amount of money every day		
9. Reports from reliable sources suggest likelihood of sexual exploitation, including being seen in places known to be used for sexual exploitation		
10. Unusual hours / regular patterns of child leaving or returning a particular place, which indicates probable working		
11. Accompanied by an adult who may not be the legal guardian and insists on remaining with the child at all times		
12. Unregistered private fostering arrangement		
13. Cared for by adult/s who are not the parents and quality of relationship is not good/abusive		
14. Truancy / disengagement with education		

Family / environment

Exploitation	Y	S
15. Located / recovered from a place of exploitation (brothel; involved in criminality etc)		
16. Deprived of earnings by another person		
17. Claims to be in debt bondage or "owes" money to other persons (e.g. for travel costs)		
18. No passport or other means of identity		
19. Unable or reluctant to give accommodation or other personal details		
20. False documentation or genuine documentation that has been altered or fraudulently obtained; or the child claims that their details (name, DOB) on the documentation are incorrect		
21. One among a number of unrelated children found at one address		
22. Having keys to premises other than those known about		
23. Going missing and being found in areas where they have no known links		

RESTRICTED (when completed)**Y= Yes S= Suspicion**

Other facts and Indicators that may be relevant to the victim’s case and circumstances (tick as applicable):

- Inability to speak Maltese or English
- Students/young persons who don’t speak any English

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

- Isolation
- Physical neglect (poor hygiene, shabby appearance, substance dependence)

First Contact Comments in relation to applicable indicators (confirmed and suspected):

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NOTE: It is very difficult, if not impossible, to determine whether a child is a victim of human trafficking upon first contact. However, if you ticked ‘Y’ or ‘S’ next to two indicators under each sub-section in page 3 (the sub-sections being ‘Child Development’, ‘Parenting Capacity’ and ‘Family/environment’) there is a very real risk that the child in question is a victim of human trafficking. The risk is further enhanced if you have also ticked the other facts and indicators in page 4.

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.