



GOVERNMENT OF MALTA
PARLIAMENTARY SECRETARIAT
FOR REFORMS AND EQUALITY

An Initiative to Combat Trafficking in Human beings

Project Management & Communication Plan

Human Rights Initiatives Unit

Human Rights Directorate

The Ministry for Home Affairs, Security, Reforms and Equality



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Human Rights Directorate



This Project Management and Communication Plan has been devised and drawn by Dr. Lynn Chircop Faure, Senior Manager (Project Management), Human Rights Directorate and presented to the Human Trafficking Monitoring Committee set up in December 2022.

It includes a design of a structure for the implementation of the Ministry's national cooperation and reporting functions on matters related to Trafficking in Human Beings, as part of the wider Initiative to create a National Strategy and Action Plan against Trafficking in Human Beings coordinated by the Human Rights Initiatives Unit.

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List of Abbreviations:

AG – Attorney General

ATNS - Anti-trafficking National Strategy

CDMS – Common Database Management System

DIER – Department for Industrial and Employment Relations

ECHR – European Convention for Human Rights

GRETA – Group of Experts on Action against Trafficking in Human Beings of the Council of Europe

HRD – Human Rights Directorate

HRIU – Human Rights Initiatives Unit

IMC – Inter-Ministerial Committee

IMU – Information Management Unit

MFER – Ministry for Equality Research & Innovation

MHSR – Ministry for Home Affairs, Security, Reforms and Equality

MJEG – Ministry for Justice and Good Governance

PS – Permanent Secretary

PM – Project Manager

THB – Trafficking in Human Beings

Objectives of the Government of Malta

The Human Rights Directorate (**HRD**) falls under the Parliamentary Secretariat for Reforms and Equality within the Ministry of Home Affairs, Security, Reforms and Equality (**MHSR**). It is divided into six main units¹. The main focus is policy making and the implementation of human rights principles in procedures undertaken by the public sector. This includes the management of reforms namely, Anti-racism, Gender Mainstreaming and Equality, Anti-Trafficking in Human Beings (**THB**) and Prostitution among others.

The Units² were set up within the HRD with the purpose to lead the Government's legislative reforms and act as the national coordinating bodies between the various local and international stakeholders on issues related to human rights, responsible to design and implement national strategies and strengthen the existing action plans on various matters of public and national interest. The Government is obliged to fulfil its legal obligations. However, it lacks technical expertise to address comprehensive legislative, administrative and operational reforms, implement adequate mechanisms for effective investigations and prosecute persons involved in criminal activity in line with International Human Rights Conventions and EU Directives.

Aim of the Anti-Trafficking National Strategy

The Anti-trafficking National Strategy (**ATNS**) aims to enhance the fight against trafficking by working on a reform that will aim to improve the coordination of current processes and take an active approach in fighting trafficking in all its forms. As national Coordinator, HRIU is entrusted with the drafting of an ATNS. The **ATNS** shall seek the collaboration of national service providers in the field in order carry out extensive research, establish collaborative mechanisms, identify tools and resources and engage the necessary technical expertise with the aim to identify the gaps within the legislative framework and ultimately initiate the drafting and launch end the ATNS by the year 2023.

¹ [About Us \(gov.mt\)](#)

²Human Rights Directorate Organisational Chart, marked as [Figure 1](#)

The implementation of the enforcement mechanisms required for the transposition and implementation of international obligations³ to which Malta is bound, as explained in [Appendix 1](#) and the setting up of a Common Data Management System for evidence to be preserved will serve as the basis to sustainable national anti-trafficking policies. The tasks to complete six deliverables explained further in [Appendix 3](#) are estimated to be carried out over 24 months and shall be covered through the Budgetary Measure 377 and the funds awarded under the Technical Support Instrument of the European Union, a project covering technical expertise engaged from the Council of Europe, commencing in 2022.

Technical Support Instrument (TSI) EU Programme

The Human Rights Directorate submitted an application for possible financing under the Technical Support Instrument Programme.

On the 6th of January 2022, Mr. Daniele DOTTO⁴, informed the HRD that the project has been selected by the European Commission's Directorate General for Structural Reform Support (DG REFORM) and funding of approx. €400,000 will be provided to Malta for technical expertise based on the project's quality, importance and alignment with the EU and national priorities. The project started running as from 26 September 2022 and held a kick-off event on the 6 December 2022, at Dar l-Ewropa, Valletta.

The Contribution of Technical Experts

Malta is placed fifth in the EU among the highest number of victims of human trafficking per million inhabitants. Malta also registered the highest proportion of victims of trafficking for sexual exploitation.⁵ It strives to address the several recommendations by GRETA⁶ and deter

³ Provisions in the Anti-Trafficking Directive, the EU Strategy to combat THB and the European Convention on Action Against Trafficking

⁴ the Deputy Director within the Directorate B - Support to Member States Reforms

⁵ (Commission, September 2020) which also reported that during the period 2017-18, out of the EU-28 Member States, Malta had the highest proportion of registered victims trafficked for labour exploitation (82 %).

⁶ Group of Experts on Actions against Trafficking in Human Beings of the Council of Europe.

the phenomenon of THB. Malta has not fully transposed the Directive⁷ and the drafting and implementation of an Anti-Trafficking Convention is one of its obligations. In 2020 the Malta Police Force Vice-Squad initiated 16 investigations - 8 for sex trafficking and 8 for labour trafficking. These figures show a significant increase compared with 5 investigations in 2019 and 10 investigations in 2018. Read more⁸ data & statistics on THB in [Appendix 1](#).

This ATNS requires special attention and expertise due to its complex, urgent, and transnational nature. Public funds have been allocated to strengthen Malta's standing in the global effort to combat THB and place it among the best performers, including moving Malta into Tier 1 in accordance with the Trafficking in Persons Report published by the US Secretary of State Department⁹. The technical expertise shall be covered through the Technical Support Instrument of the European Union.

Review and Identification of a suitable methodology

A rights-based approach is required for a sustainable strategy document aiming for the early identification and comprehensive support for victims. The setting up of national mechanisms is required for stronger coordination and collaboration between national entities who shall participate throughout the five phases of the project¹⁰ and give feedback to the HRIU project team who is responsible to devise a workable and effective roadmap to launch the national strategy on THB. Therefore, effective Communication is an integral component towards the success of this project. **Waterfall system** is most popular within the Government in view that every decision taken requires prior authorisation from the Director of Corporate Services. This procedure is a reflection of the responsibilities of public officers who are bound to follow rigid set of rules imposed by Finance departments at macro level to ensure that all officers proceed in accordance with the principles and values in the public service, ensuring accountable and transparent management of public funds.

⁷ EU anti-trafficking Directive

⁸ General Information on THB - Data & statistics vis-à-vis Malta in [Appendix 2](#).

⁹ The US State Department's Report on Trafficking in Persons - [TIP Report Final 2021.pdf](#)

¹⁰ Work Breakdown Structure & Timeline marked as [Appendix 3](#)

An **Agile system** is beneficial in the setting up of the requirements for the project before timelines are set for the project. At a micro level, a collaborative environment is created involving all the departments including stakeholders and sponsors who shall work closely to deliver the required tasks by the given timeline. This process relies heavily on teamwork and requires experienced officers to chase all involved for feedback and immediate reporting to the project manager, especially when new ideas are expressed by any of the parties which may result in a turn of events and a change in the original plan set by the Government.

Scrum is another type of method which would enable the manager to address the needs of the team and to target work for the day ahead in order to address roadblocks. The reporting in writing of all the recommendations and eventual positions taken by the stakeholders and the feedback gathered from the public in general is key for the establishment of a common language which is understood by ALL the team members and facilitates the achievement of the deliverable of this project. Any potential conflicts are resolved at an early stage.

The Chosen methodology: The project phases have strict and clearly defined objectives. Processes in securing the financing, timelines, approvals for a tri-level and disbursements for the project need to be achieved through a Waterfall method as these are critical for the success of the project. However, these are clearly designed to flow step by step¹¹. The progress of such plan may be measured by means of weekly meetings to monitor and document the progress of each five phases and an Open Communication Policy adopted between the Team and Stakeholders throughout the project. This may allow room for flexibility to respond to any feedback and the required changes. Thus, using an Agile method for the ongoing communication, events and awareness raising¹² will ensure that the principles of the public service, namely transparency and accountability, are integrated within the methodology. To ensure that the project remains in line with the fixed sequence originally set for the project to achieve its deliverables, a scrum may be required. The project may be easily monitored and reviewed by the Project Management Team to ensure unnecessary delays in completing the tasks.

¹¹ Milestones Chart marked as [Figure 2](#)

¹² Deliverables Flow Chart showing Communication's Agile method marked as [Figure 2](#)

Assessment of Feasibility of the Initiative

This Initiative will not exceed the yearly budget allocation by the Government. It shall study best practices in countries similar to Malta and a strategic implementation for gov structures to effectively address the challenges and recommendations identified by the GRETA¹³. A [SWOT Analysis](#)¹⁴ further highlights the need for strong collaborations at high, medium and low levels within Government. These mechanisms are crucial since the EU Commission imposes hefty sanctions on States which are not compliant with the provision of the Directive¹⁵. The cost of non-compliance is not merely monetary but a name and shame mechanism would trigger a detrimental loss in Malta's reputation. The pandemic has already hit hard the Maltese economic sectors.

Malta lacks natural resources. Thus, it relies entirely on its human resources and public relations. This project shall seek to elevate Malta's position and promote it as a law-abiding state in which the rule of law prevails. This gives assurances to investors who are recruiting low skilled workers and further invest in their training and integration. The mechanisms envisaged by this project will ensure no discrimination between migrants who struggle to cross-borders regularly and abide by immigration rules and others who have been ripped-off and blatantly lured into a criminal activity.

A [PESTLE analysis](#)¹⁶ reaffirms that the complexity of the crime requires a comprehensive, coherent, and aggressive response. It is cost effective for Malta to set mechanism which ensure the early detection of potential victims of THB who would have been forced to pursue an activity, with the hope of being entitled for the same protection of the law. It is not a matter of having an opportunity cost. Not taking into account the required national partnerships may result into an embarrassment of having a failed justice system.

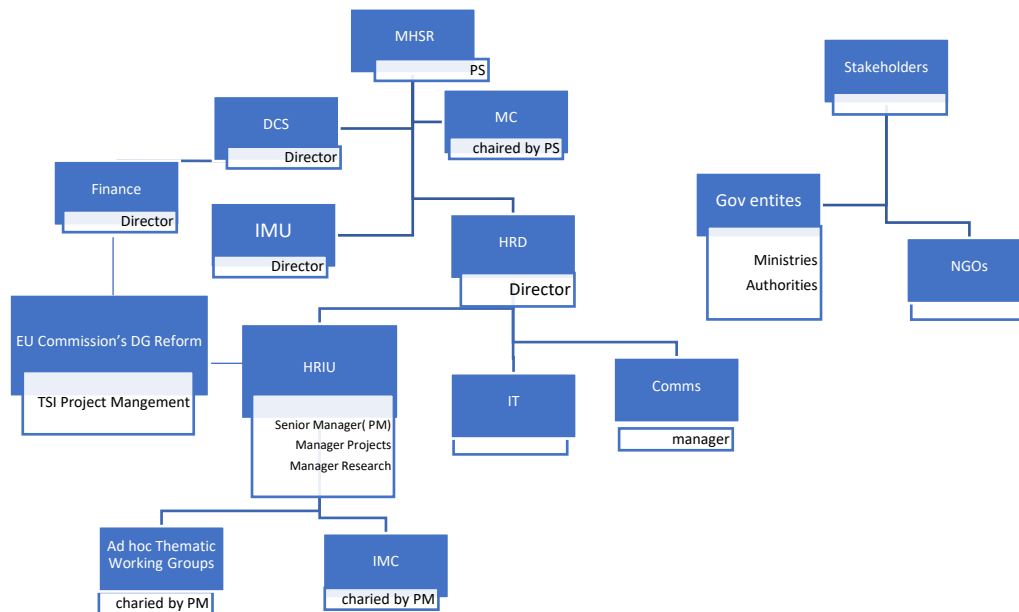
¹³ Report concerning the implementation of the Council of Europe Convention on Action against trafficking in Human beings by Malta, Third Evaluation Round (22/7/2021)

¹⁴ Marked as [Appendix 4](#)

¹⁵ EU Anti-human Trafficking Directive

¹⁶ Marked as [Appendix 5](#)

The Management Structure

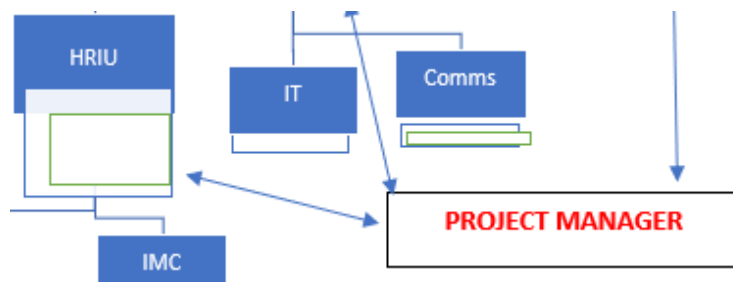


The public service is bureaucratic in nature. However, a Matrix governance structure is advisable for this project as its success is based on the commitment and input of other officers and stakeholders, which do not fall within **HRIU** and report to other senior management structures within the public service. The project must be operationally and financially supported through budget allocations which will be verifiable by a **High-level Human Trafficking Monitoring Committee (MC)** chaired by the Permanent Secretary MHSR. The Director of the Human Rights Directorate shall be responsible for the TSI and shall delegate the HRIU Senior Manager (Project Management) to manage the communication plan of the TSI project with the Assistance of an Assistance Manager (Human Rights). MHSR's human and technical resources will be shared with HRIU such as **Finance** for procurement of expert and technical services, **Corporate Services** for the setting up and appointment of committee and ad hoc working group members, **IMU**¹⁷ will be responsible to the regular updating of website and social media platforms as explained further in [Appendix 12](#).

¹⁷ Information Management Unit

As outlined in [Appendix 6](#), the **IT Department** will be responsible to liaise with the **National Statistics Office** for the design of a Common Data Management system to facilitate a data collection mechanism necessary for to fulfil the monitoring and reporting of national obligations as well as for investigation and enforcement purposes.

Thus, Scrum teams will be shared for specific administrative and operational tasks and such will be planned and coordinated by the project manager who shall assign specific admin and coordination tasks to the **fulltime HRD officer/s which are assigned duties related to HRIU**, who will liaise with the appointed focal persons on the Inter-Ministerial Committee (**IMC**)¹⁸, the **Working Groups** and the **Monitoring Committee** and report back to the Project Manager the progress made by the Government entities combatting THB.



As indicated above and elaborated in [Appendix 12](#), the Project Manager reports to HRD and will be responsible for the consultation, drafting and implementation process involving various public officers whose duties are of great relevance to combat the crime of trafficking in human beings. She shall communicate and cooperate with all the represented entities to maintain a collaborative spirit transcending into the respective Departments having operational, administrative and technical facilities and resources to implement the envisaged objectives. The continued feedback and contribution of independent civil society organisations is crucial for victims to make use of the services.

The HRIU Senior project manager devised a National Stakeholders Contact list which includes all interested parties in the national fight against human trafficking. The role of the Stakeholders, representatives from Governmental entities non-governmental organisations shall be analysed with the collaboration of the officers enlisted in [Appendix 6](#).

¹⁸ Inter-ministerial Committee made up of representative of all the Government Ministries.

Most of them are government employees however not controlled by the Human Rights Directorate. Thus, the constant communication, feedback and the collaboration of representatives from the main governmental bodies enlisted¹⁹ is crucial for the achievement of the project's objectives. The Manager coordinating such meetings will include a schedule of tasks, the agenda and the minutes will be circulated with the main participating stakeholders and service providers. The outcome will be discussed by the IMC chaired by PS MHRS whose direction is fundamental for HRIU project's team to steer the identified main actions²⁰ and measures recommended by the bodies to be incorporated in the National Strategy for the position of Malta to be communicated to the International desks.²¹

Ad hoc Working Groups shall fall under the responsibility of the Projects Manager within HRIU, having the sole aim to assist in the drafting of the national Strategy. Yet, it shall consult constantly with the legal offices of the Stakeholders represented on the IMC to keep abreast of the developments in discussion.

As explained above, the chosen management structure is ideal to further enhance and maintain a collaborative approach among the different Ministries that will be responsible for implementing the national actions against THB and to foster cooperation and the sharing of expertise and good practices between national entities for actual statistics and data to be available to HRIU, as the national Coordinator on THB, assigned with reporting duties to the International & Regional & National institutions on Malta's progress.

The Management Plan

The Ministry for Home Affairs, Security, Reform and Equality shall be ultimately accountable and responsible for the disbursement of the THB budgetary measure and TSI project. The management of the project has been delegated to the Human Rights Directorate, namely an

¹⁹ Marked as [Appendix 6](#)

²⁰ Call for Action by PS MFER marked as [Appendix 7](#).

²¹ Maltese Representative at the United Nations, the Council of Europe, the European Union among others to which Malta is a state member.

Initiative falling under HRIU entrusted to lead and bring to completion this project in pursuant to its reporting functions on THB.

A detailed description of the TSI Project has been devised by the EU Commission's DG Reform and the Council of Europe. A detailed plan with estimates of time for the delivery of the technical expertise will be communicated by the Commission. HRIU estimated to take 24 months for the research, setting up of Working Group and IMC, to engage technical experts to assist in the drafting, setting up of monitoring and reporting mechanisms, launch of the strategy, exchange visits and training for the implementation of the strategy. The deliverables aimed for are further divided into four Waterfall Phases and two ongoing.²²

The Human Rights Initiatives Unit will be responsible to obtain the required approvals after each phase of the project and to consult with the governmental and non-governmental entities on the requirements to effectively identify the measures and actions required to combat THB in Malta. The set stage gates will ensure the go ahead is recorded in writing for each deliverable achieved either by the entities falling under other ministries or the or the technical departments within MHSR as indicated in the Stakeholder list²³ and RACI Chart²⁴.

The key outputs and tasks are extensively defined under Phases A to E in the [Work breakdown Structure](#)²⁵. The Management Structure adopted shall be a Matrix since pooling of resources through all the below phases is essential for the success of this project.

The pooling of resources from the National Statistic office, Enforcement and Immigration bodies, social welfare, health and Industrial and Employment service providers as outlined in the [Management Structure](#)²⁶. The cost is broken down for all the admin and technical services required and is estimated to meet the yearly budget €300,000 as provided in the [Cost](#)

²² Refer to Milestone & Deliverables Chart – [Figure 2](#)

²³ [Appendix 6](#)

²⁴ [Appendix 11](#)

²⁵ [Appendix 3](#)

²⁶ [Appendix 12](#)

breakdown Structure²⁷ to complete the deliverables as explained below over a period of two years.



To fulfil the above deliverables, ongoing communication is crucial for feedback to be obtained to consolidate the implementation strategy for the actions and measures envisaged by the strategy document. The representatives from each Ministry and the Office of the Attorney General and other representative from Civil Society Organisations will have various responsibilities and other times will be consulted with according to the nature of the tasks as outlined in the Work breakdown Structure²⁸ and RACI Chart.²⁹

The project Management team within HRIU initiates the tasks and is accountable to PS MHSR. However, the appointed policy officers on the Inter-Ministerial Committee will be responsible to engage in the pooling of resources and monitoring the implementation. HRIU shall remain

²⁷ Appendix 8

²⁸ Appendix 3

²⁹ Appendix 11

responsible to fulfil the deliverables and at the same time implement the reporting mechanisms and organization of the various tasks for the Final Implementation phase of the Strategy and the review thereof to ensure it is sustainable.

The Communciation Plan

The HRIU Project Management team will coordinate one to one information sessions with the individual stakeholders and inform them about the role and functions of a National Rapporteur or equivalent mechanism on THB matters. It will gather information on measures and policies adopted by state and non-state actors having direct or indirect impact in the fight against THB and sets clear objectives, prepares agenda, takes minutes of all meetings to guide the IMC to plan the tasks assigned to the appointed representatives in relation to the deadlines identified with stakeholders.

It shall devise a roadmap and strategic actions for all involved to be informed on the process being undertaken to reach the deliverables of the project. HRIU will be in constant communication with Government bodies and relevant NGOs. This will enable the gathering of complete and accurate information.

Potential Risks & Contingencies

The commitment of other departments falling under different Ministries is the biggest challenge. A plan for action³⁰ can be devised for the potential intervention by the PS MHSR in order to alert other Permanent Secretaries with the actions expected by all governmental bodies under their responsibility to anticipate their commitment for the implementation of the strategy. The foreseeable risks have been analysed prior to finalising the project plan to take into consideration certain elements vital to the management enlisted in [Risk matrix](#)³¹ with the responses and responsible persons to solve such potential issues.

³⁰ Appendix 7

³¹ Appendix 9

To counter for the institutions' inability to gain the victim's trust, a rigorous campaign shall seek the desired visibility amongst the general public to create awareness on the national prevention and protection mechanisms to attract potential victims to come forward. Expenses to seek new coordinating structures, policies, and processes to bolster Malta's institutional and administrative capacity must be sought through alternative funding programmes. These include IT solution systems and technical specifications required for the effective implementation of the project as outlined in responses in the [Risk Matrix](#)³²

Monitoring and Appraisal Systems and Measures

The managers within HRIU will send out monthly reminders to all designated officers within the entities on the IMC to report on the progress of tasks which would have been delegated to them as service providers responsible for specific tasks. Project Manager compiles in a monthly progress report and sends to the Monitoring Committee for further checks to be carried out and guidance on way forward if delays would be envisaged.

Task no	Description of task	Department Responsible	Period from – to	Monthly Action taken	Date of Implementation of Measure	Details of Designated Officer in charge <i>Name & Designation (Email, mobile u landline)</i>
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The performance of project team will be measured through an appraisal drawn every 6 months. This will reflect the commitment and quality of their work and necessary training to improve the output. During weekly staff meetings a realistic timeframe for tasks will be allocated. Open Communication policy will help team members feel self-motivate to report actions fulfilled and anticipate hiccups. Keeping all processes documented will be beneficial for the Project manager to understand when and how to intervene.

³² Ibid.

Project Closure

Call for Quotations, tenders and direct order processes for the procurement of all the services required for this project shall be vetted by an internal auditor and passed on to an external auditor to draw a final Report. The Project Management will compile all receipts as proof of payment for services and the project shall be deemed complete upon a satisfactory report is issued by the external audit.

A record of all funds disbursed will be forwarded to the Permanent Secretary together with a certificate of completion from IMU regarding the IT system for reporting purposes with a report on the features envisaged to safeguard any personal data of subjects inputted by the responsible officers to ensure all tasks are completed and anything pending would be documented.

A rigorous campaign to create awareness on the national prevention and protection mechanisms will achieve desired visibility amongst the general public.

Measures to Review the Success of the Project

Close collaboration with the International organisations³³ and follow ups on their visits to Malta will increase the effectiveness of the enforcement measures on the ground. Their reports and recommendations shall be reviewed by the project team and the active participation of the national reporting and monitoring mechanisms will ensure the effective implementation of the Strategy and Actions based on best practises and latest developments in the international sphere on the subject matter.

³³ refer to list in [Appendix 10](#)

Measures to Review the Project upon Completion

During the implementation process a Questionnaire will be circulated among the Governmental bodies and NGOs to keep abreast with their needs.

A Common Data Management System Agreement between the Gov and IT contractor will ensure that the security features and the information inputted by the responsible officers are maintained and features which will enhance the effectiveness of this national structure will be regularly tested.

Quarterly reporting by the executive police and immigration bodies will be introduced to ensure the early detection and coordination of the multi-agency response to the significant security threats posed by THB.

Tables and Figures

Figure 1: Organisational Chart

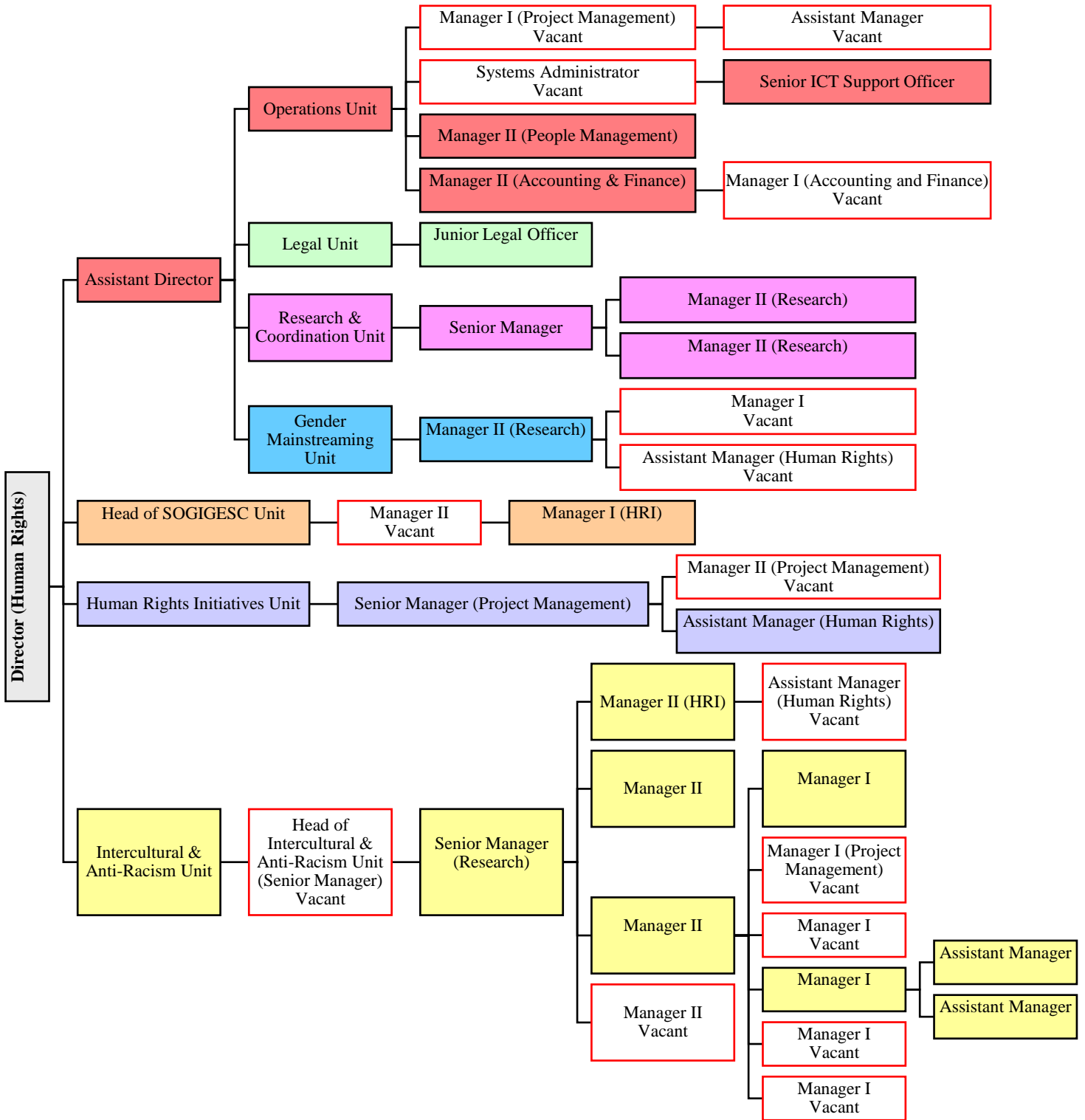
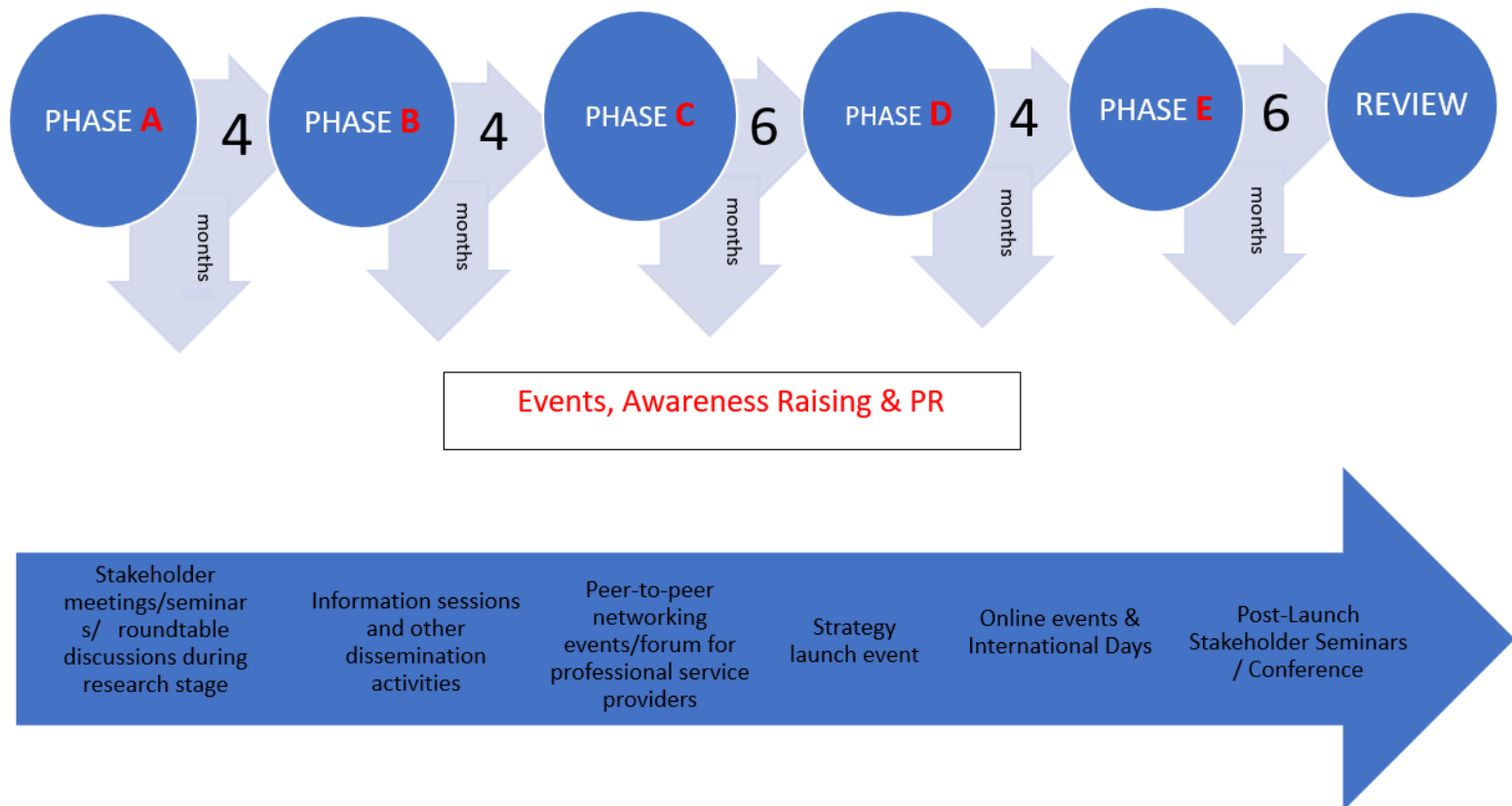


Figure 2: Milestones and Deliverables Flow Chart (subject to change by TSI project)



Appendices

Appendix 1– Aim of the Anti-Trafficking Initiative

Aim of the Anti-Trafficking Initiative

Malta is committed to the prevention of and fight against THB, and to the protection of the rights of trafficked persons. Directive 2011/36EU is the fundamental legislative act that addresses human trafficking in the EU. As a Member State, Malta is obligated to devise its own national laws to effectively address human trafficking.

As national rapporteur on THB, the Human Rights Directorate is responsible for the coordination of the implementation of anti-human trafficking policy at the national level and fulfilling the tasks to this effect in accordance with Article 19. These functions include conducting assessments of trends in THB, measuring results of anti-trafficking actions, gathering statistics in close cooperation with civil society organizations active in this field, and reporting.

Malta is required to contribute to a coordinated and consolidated Union Strategy against THB in accordance with Article 20. The engagement of experts is fundamental in adequately fulfilling this responsibility since it promotes a systematic and cooperative approach to combatting this phenomenon. This Strategy could be developed between member states' law enforcement authorities through cross-border cooperation, exchange of information and best practices as well as continued open dialogue between their police, judicial and financial authorities.

In this regard, the Anti-Trafficking Directive underlines the importance of providing access to transaction monitoring and other financial investigation tools to the authorities responsible for investigating and prosecuting human trafficking.

In view that the Directive does not dictate the means to achieve this goal, a Task Force was appointed by the Ministry for Justice to draft a National Strategy against THB by end of October 2021. This deadline will most likely not be met and will subsequently have to be extended. The Directorate is therefore seeking technical support to strengthen local capacity to meet the national obligation to present the Strategy document to stakeholders for their feedback by the eventual revised deadline, and effectively implement this reform.

The successful implementation of this budgetary measure set by the Maltese Government requires EU funds for technical support to effectively address the challenges and recommendations identified by the GRETA Report concerning the implementation of the Council of Europe Convention on Action against trafficking in Human beings by Malta, Third Evaluation Round (22/7/2021) and to implement Union Law and other feedback received from local institutions and organisations on the subject matter.

The Data Collection on THB in the EU reported that during the period 2017-18, out of the EU-28 Member States, Malta had the highest proportion of registered victims trafficked for labour exploitation (82 %).

Malta was also the fifth EU country with the highest number of victims per million inhabitants (42). Malta also registered the highest proportion of victims of trafficking for sexual exploitation (100 %).

A significant variation in the proportions of suspects for trafficking for labour exploitation was observed amongst the Member States. The highest share was registered in Malta (56 %), Belgium (50 %), Poland (44 %) and Luxembourg (41 %). Data collection on trafficking in human beings in the EU (europa.eu)

Regarding prosecution, in 2020 the Malta Police Force Vice-Squad initiated 16 investigations - 8 for sex trafficking and 8 for labour trafficking. These figures show a significant increase compared with 5 investigations in 2019 and 10 investigations in 2018. Moreover, Police and social workers identified 6 trafficking victims in 2020. Of those, 5 were victims of labour trafficking, including 2 victims of domestic servitude and a Maltese child victim of forced criminality, and 1 was a combination of both sex and labour trafficking. The foreign trafficking victims were all from the Philippines, and all six victims were female.

This reform requires special attention and expertise due to its complex, urgent, and transnational nature. The Strategy should present strategic goals and specific objectives which are clearly defined both qualitatively and quantitatively and which are based on public measures and activities to be supported institutionally and financially, and which are verifiable through a detailed monitoring and assessment process.

This Strategy will adopt a rights-based approach with the aim of developing a sustainable system for the early identification and comprehensive support for victims. This would also seek to ensure the provision of timely and effective protection and access to justice, to provide victims with proper compensation for moral and material damages in accordance with the law.

This reform also looks to strengthen Malta's standing in the global effort to combat THB and place it among the best performers, including moving Malta into Tier 1 of the US State Department's Report on Trafficking in Persons. <https://www.state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf>

Appendix 2 – GENERAL INFORMATION

1. INFORMATION ABOUT THE HUMAN RIGHTS INITIATIVES UNIT

The anti-human trafficking portfolio was recently transferred from the Ministry for Equality, Research and Innovation (MFER) to the **Ministry for Home Affairs, Security, Reforms and Equality (MHSR)**.

The **Human Rights Directorate** took over reporting duties in relation to Human Trafficking for questionnaires or surveys at both national and international level, such as to the United Nations, the Council of Europe, EU Commission and Anti-Trafficking Coordinator and to other international organisations such as the Organisations for Security and Cooperation in Europe and the U.S. Department of State for the purpose of the Trafficking in Persons (TIP) annual Report.

The **Human Rights Initiatives Unit** has been tasked with the national coordination and reporting functions emerging from the EU Anti-Trafficking Directive 2011/36. In this respect, it collaborates with other Ministries as necessary to ensure that the Government procures the necessary resources to spearhead the anti-human trafficking policy and succeed in its endeavours. The Human Rights Initiatives Unit was set-up in 2020 following the widening of the Human Rights Directorate Portfolio to include reforms on human trafficking, prostitution, and cannabis. These reforms were initiated under the responsibility of the Office of the Prime Minister until the re-assignment of Ministry portfolios in January 2020.

The Unit is responsible in coordinating the reforms on human trafficking, prostitution, and cannabis, which includes consulting the relevant stakeholders, gathering of information, developing and monitoring agreements with service providers, drafting of policy proposals, and streamlining existing structures and services, amongst others. Another responsibility of the Unit is to raise awareness among the general society on the topics.

National Strategy and Action Plan on Trafficking of Human Beings

Although THB has gathered momentum and several international organizations have developed approaches to address it, the phenomenon remains a serious crime with grave human rights concerns. Malta is obliged to contribute to a coordinated Union Strategy against THB in accordance with Article 20 of the Anti-trafficking Directive. The engagement of experts is fundamental in adequately fulfilling this responsibility since it promotes a systematic and cooperative approach to combatting this phenomenon. In this regard, the Anti-Trafficking Directive underlines the importance of providing access to transaction monitoring and other financial investigation tools to the authorities responsible for investigating and prosecuting human trafficking.

The Human Rights Directorate has a mandate to draft a National Strategy and Action Plan against THB. This reform is needed to effectively address the challenges and recommendations identified by the GRETA Report concerning the implementation of the

Council of Europe Convention on Action against trafficking in Human beings by Malta, Third Evaluation Round (22/7/2021) and to implement Union Law and other feedback received from local institutions and organisations on the subject matter.

Malta is expected to achieve its ultimate objective of designing and implementing a new national Strategy and strengthen the existing action plan, to address and deter the phenomenon of trafficking in human beings. This reform requires special attention and expertise due to its complex, urgent, and transnational nature. The Strategy should present strategic goals and specific objectives which are clearly defined both qualitatively and quantitatively and which are based on public measures and activities to be supported institutionally and financially, and which are verifiable through a detailed monitoring and assessment process.

The Strategy must also include new coordinating structures, policies, and processes to bolster Malta's institutional and administrative capacity to effectively combat THB. These structures include IT systems and solutions and the technical specifications required for their effective implementation.

This Strategy will adopt a rights-based approach with the aim of developing a sustainable system for the early identification and comprehensive support for victims. This would also seek to ensure the provision of timely and effective protection and access to justice, to provide victims with proper compensation for moral and material damages in accordance with the law.

US TIP Report 2022

[2021 Trafficking in Persons Report - United States Department of State](#)

[2022 Trafficking in Persons Report – United States Department of State](#)

Malta has received a Tier 2 TIP rating this year (2022) keeping the same rating as previous years. Whilst making [recommendations](#) in relation to further action to be taken, the report also notes that significant progress has been registered by the Maltese authorities in the sphere of human trafficking and that these initiatives were a step in the right direction.

Group of Experts on Action against Trafficking in Human Beings (GRETA)

The Government continues to discuss and act to implement the [Recommendations](#), put forward by GRETA, the group of experts responsible for the monitoring and implementation of the Council of Europe Convention against Human Trafficking. **In July 2021**, the Human Rights Directorate at the time under the Ministry for Equality, Research, and Innovation, sent an updated report highlighting responses of the Maltese Government in relation to GRETA's Recommendations.

At the same time the Government continues to adhere with international commitments and obligations to liaise with EU and other 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).

National Rapporteur or equivalent mechanisms

The Policy Development and Programme Implementation Directorate within the Ministry for Home Affairs, Security, Reform and Equality, clears all the information transmitted to the EU Anti-Trafficking Coordinator of the EU Commission and the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA).

The Coordination function of the National Rapporteur or Equivalent Mechanism (NREM) is being fulfilled by the Human Rights Initiatives Unit. The Human Rights Directorate was recently entrusted to lead the Government's anti-human trafficking reform and streamline coordination with ministries, national authorities, social partners, NGOs, and other stakeholders. The Human Rights Directorate is also responsible for monitoring the implementation of the anti-human trafficking policy at the national level. These functions include conducting assessments of trends in THB, measuring results of anti-trafficking actions, gathering statistics in close cooperation with civil society organizations active in this field, and reporting.

An Anti-Human Trafficking Inter-Ministerial Committee' is being set up and it shall be chaired by a Human Rights Directorate representative. The Inter-Ministerial Committee shall also assist in the drafting of the national strategy and action plan, but also, shall be responsible towards its implementation and reporting obligations that arise of it. The Inter-Ministerial Committee is action-oriented in nature and shall convene at least once every quarter.

[Malta National Information Page_mt.pdf](#)

2. COLLABORATIONS

All Equal EU Funded Project - Foundation for Social Welfare Services (FSWS)

The Directorate works closely with other Ministries and entities on various levels. Similarly, the Initiatives Unit participated in the project All Equal: Supporting Victims of Human Trafficking funded by the Asylum, Migration and Integration Fund (2014-2020) and being implemented by Aġenzija Appoġġ within the Foundation for Social Welfare Services (FSWS). The aim of the project is to provide support to TCNs who are victims of human trafficking by promoting and safeguarding their psychological wellbeing and empowering them to re-gain control and lead independent lives. The Malta Police Force and the Ministry for Home Affairs, National Security and Law Enforcement are the official partners of the project. As part of the project deliverables, a series of roundtables are being organised to which the Human Rights Initiatives Unit contributes. During these meetings relevant stakeholders discuss ways in which they can collaborate further between them in order to ensure the maximum protection and support to victims of trafficking.

Commission on Gender-Based Violence and Domestic Violence (CDV) - Guidelines for Multiagency for the Protection and Support of Victims of Human Trafficking

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) strongly encourages the Maltese authorities to set up institutionalised structures for co-ordination and co-operation among all of the different governmental and non-governmental agencies and service providers to ensure multi-agency co-operation based on a gendered understanding of violence against women and domestic violence and focusing on the human rights and safety of victims, as well as on their empowerment and economic independence.

Such structures for co-ordination and co-operation shall address all forms of violence against women, beyond domestic violence. This includes guidelines and co-operation procedures/protocols for authorities dealing with violence against women, as well as a system for sharing expertise and experience in handling such cases, such as the MARAM. GREVIO strongly encourages the inclusion of specialist women's support services run by NGOs in any formal and informal co-operation structures. Work on MARAM kick started through a project entitled Full Cooperation: Zero Violence. [Full Cooperation Zero Violence - Final Report.pdf](#)

Given that the Human Rights Directorate assumed the function of National Rapporteur on the implementation of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, the Commission for Gender-Based Violence and Domestic Violence and the Human Rights Initiatives Unit are have joined forces to formalise guidelines on human trafficking and identify ways through which the two can assist one another on addressing GREVIO's recommendation for formalised multiagency guidelines for all forms of violence against women.

The Organisation for Security and Cooperation in Europe

In January 2022, the OSCE's Special Representative & Coordinator for combating Trafficking in Human beings was invited by the Initiatives Unit within HRD, then falling under the Ministry for National Heritage, the Arts and Local Government. The OSCE presented Malta with further recommendations on Policy development and co-ordination, Financial investigations and Prevention of labour exploitation in supply chains and public procurement.

The OSCE Recommendations were included in the [CALL FOR ACTION](#) publication which includes feedback on the initial one-to-one sessions carried out by HRIU with the main stakeholders on prevention, protection, prosecution and partnerships.

The information gathered by HRIU during these sessions is included in the Call for Action document which was shared with all the Ministries during a networking event on the 29th of July 2022.

<https://humanrights.gov.mt/en/Pages/Initiatives%20Unit/Human%20Trafficking/Reports-and-Publications.aspx>

3. MAIN STAKEHOLDERS

Governmental

- Ministry for Home Affairs, Security, Reforms and Equality (MHSR)
 - Malta Police Force
 - Identity Malta Agency
 - Agency for the Welfare of Asylum Seekers
- Ministry for Health (MFH)
- Ministry for the National Heritage, the Arts and Local Government (MHAL)
- Ministry for Justice (MFJ)
 - Courts of Justice
 - Attorney General's Office
 - Legal Aid Agency
- Ministry for Foreign and European Affairs and Trade (MFEA)
- Ministry for Tourism
- Ministry for Education
- Ministry for Social Policy and Children's Right (MSFC)
 - Foundation for Social Welfare Services (FSWS)
 - Agenzija Appogg
- Minister within the Office of the Prime Minister (MSD)
 - Department for Industrial and Employment Relations (DIER)
- Ministry for Finance and Employment
 - Jobsplus
- Parliamentary Secretariat for Reforms and Equality
 - Commission on Gender-Based Violence & Domestic Violence (CVD)
 - Human Rights Directorate
 - International Protection Agency
- National Statistics Office

Non-Governmental

- Jesuit Refugee Services Malta (JRS)
- Caritas Malta
- Aditus

International

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)

4. RESOURCES

Law & Policies

International

- United Nations Convention Against Transnational Organized Crime and the Protocols thereto. <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>
 - Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18
- Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw, 16.V.2005 <https://rm.coe.int/168008371d>
- Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- The Forced Labour Convention, 1930, No. 29 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029
 - Protocol of 2014 to the Forced Labour Convention, 1930. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029
- Convention on the Elimination of All Forms of Discrimination against Women, 18th December 1979. <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

Regional

- Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing council Framework Decision 2002/629/JHA <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036&from=en>

- Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities | [26120040806en00190023.pdf \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004L0081)
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA https://ec.europa.eu/anti-trafficking/sites/default/files/directive_2012_29_eu_1.pdf

National

- The Criminal Code, Chapter 9 of the Laws of Malta.
- Victims of Crime Act, Chapter 539 of the Laws of Malta.
- The White Slaves Traffic (Suppression) Ordinance, Chapter 63 of the Laws of Malta.
- The Employment and Industrial Relations Act, Chapter 452 of the Laws of Malta.
- Human Organs, Tissues and Cell Donation Act, Chapter 558 of the Laws of Malta.
- The Children and Young Persons (Care Order) Act, Chapter 258.
- Minor Protection (Alternative Care) of 2019, Chapter 602 of the Laws of Malta.
- Permission to Reside for victims of Trafficking or Illegal Immigration who co-operate with the Maltese Authorities Regulations, Subsidiary Legislation 217.07.
- Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third-Country Nationals Regulations, Subsidiary Legislation 217.14.
- Young Persons (Employment) Regulations, Subsidiary Legislation 452.92.
- Legal Aid Agency (Establishment) Order, Subsidiary Legislation 595.11
- Legal Notice 418 of 2020, Victim Support Agency (Establishment) Order, 2020.
- Legal Notice 205 of 2009, Agency for the Welfare of Asylum Seekers Regulations, 2009.

Strategy & Action Plan

Public Consultation

https://meae.gov.mt/en/Public_Consultations/OPM/Pages/Consultations/Reformonhumantaffickingandprostitution.aspx

Document

https://meae.gov.mt/en/Public_Consultations/OPM/Documents/Human%20trafficking%20reform%20-%20Consultation%20document%20ENG.pdf

Coordination Function as National Rapporteur

https://ec.europa.eu/anti-trafficking/national-rapporteurs/malta_en

Tools & Publications

Report of the Group of Experts on Action against Trafficking in Human Beings (GRETA)

https://ec.europa.eu/anti-trafficking/publications/greta-publishes-report-malta_en

Trafficking in Persons report of 2021

https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf

Group of Experts on Action against Violence against Women and Domestic Violence

<https://www.coe.int/en/web/istanbul-convention/grevio>

Appendix 3 - SWOT Analysis

SWOT Analysis

Strength - Malta's fifth National Action Plan on Combatting Human Trafficking seeks to reform the sector by taking measures complementary to those initiated by the Parliamentary Secretariat for reforms, Citizenship and Simplification of Administrative Processes. The Action Plan builds on the work undertaken in the context of previous action plans. It is in line with Malta's EU and other international obligations since reference is also made to the submission of information to the EU Anti Trafficking Coordinator as well as other major international stakeholders. The incorporated actions address the major aspects of the fight against human trafficking and focuses particularly on awareness and prevention which is necessary given that the measures entail the involvement of several stakeholders, as well as coordination between them.

Weaknesses - Lack of awareness and shared understanding of what constitutes human trafficking may hinder the fight against this phenomenon. This is because in many cases, the victims themselves may not know that they are victims of this crime. Moreover, control and threats from traffickers will also obstruct the fight against THB. Victims may also fear repercussion, law enforcement and the Government in coming forward to seek help. Victims are also stigmatized by members of the public.

Challenges for Law enforcement include lack of funding and general resources to combat human trafficking. Attitudes that hinder law enforcement from identifying and helping victims include issues such as prostitution and immigration. However, law enforcement officers must look beneath the surface and ask whether certain people are criminals or possible victims of THB! This is where the principle of non-punishment comes into play. Law enforcement officials might miss a lot of cases because they just do not know what to look for. Thus, changing perspectives might be a requirement since, for example, in cases where police officers raid a massage parlor, they would find women there and arrest them for prostitution and that would be the end of it. Yet, with education and specialized training, such women may not be charged immediately with prostitution. Law enforcement needs capacity building to be able to employ special personnel to speak with these women and verify if they could possibly be victims of THB. There are also concerns with immigration enforcement. A lot of immigrants are envisaged as a burden by the public. As a result, many victims of THB remain unidentified since they may not always be believed.

Opportunities - The Strategy will support broader Government Commitments, including by preventing and addressing gender-based violence and supporting the safety and security of minority groups. Apart from the measures aligned with the internationally recognized pillars of prevention, protection, prosecution and partnership, the strategy will also focus on the 'empowerment' to enhance support and services to victims and survivors of THB, helping them to regain control and independence. The National Strategy will continue to build on the Government commitment to countering this phenomenon. The strategy will help individuals from all forms of human trafficking and will introduce a more balanced, holistic and victim centered approach. It will enhance efforts in a number of priority areas, such as the need for increased supports and services to protect and rehabilitate victims and survivors and the promotion of culturally-sensitive approaches, such as tailored services for children victims needs. It will aim to increase awareness of government officials and front-liners in key sectors to identify, detect and protect victims and survivors. In other areas it will increase intelligence and data collection capacity, support law enforcement and the criminal justice system, and strengthen partnership across all levels of government including between government entities, civil society organizations, private sector and international partners. Ultimately, the strategy will also help to advance gender equality and benefit marginalized and vulnerable groups.

Threats - Appropriate funding for specialized training and other resources is a necessity. Moreover, for the national strategy to be effective is also requires a monitoring mechanism. The need of a coordination and cooperation amongst the relevant stakeholders is a must.

Appendix 4 - PESTLE Analysis

PESTLE ANALYSIS:

Political – The Maltese government, together with the Malta Police Force and foreign immigrant authorities should develop strategies to both protect witnesses during their stay in Malta and provide for a safe return to their countries of origin. At the international level, Interpol plays an important role in the field of law enforcement. Moreover, it sees its mandate as a platform for raising awareness, building competence, and identifying best practices, as well as for improving cooperation by providing a worldwide forum of exchanging information on current trends and investigations. On the other hand, at the European level, the mandate of the Europol Drug Unit (EDU) includes the subject of human trafficking. Europol has the authority to prevent and combat trade in human beings, including forms of sexual exploitation and violence against minors or trade in abandoned children.

The Subject of THB has increasingly featured in the political agendas of governments, regional institutions, inter-governmental, and non-governmental organizations. Policy making and implementation must respond to the real need to eliminate the crime. There is a link between international migration policy and trafficking in human beings since trafficked persons are often migrants who find themselves trapped and abused by traffickers. As a result, the need for appropriate legislation on trafficking and the need for a well structured policy assessment and monitoring of anti-trafficking activities is crucial.

Economical – Most of the money produced from this crime goes untaxed, which means it is not benefiting the community. Fair competition can also be affected by traffickers investing in legitimate businesses to launder money and disguise their crime. Since freedom of choice and economic gain are at the heart of productivity, the crime impedes national and international economic growth. Estimation by crime experts indicate that the crime of THB will surpass drug and arms trafficking in its incidence, cost to human well-being, and profitability to criminals. As people become vulnerable to exploitation and businesses continually seek the lowest cost labour sources, trafficking in human beings generates profit and a market for human trafficking is created. Traffickers are acting as intermediaries between vulnerable individuals and employers by supplying differentiated products to employers. In the human trafficking market, the consumers are employers of trafficked labour, and the products are human beings. Generally, the supply in the market for human trafficking refers to labour provided by individuals trafficked for both labour and commercial sexual exploitation. Economic models are useful for the modelling of labour markets, and thus the market for human trafficking created by the supply and demand of exploitable labour. The market for trafficked people involves labour supply decisions by vulnerable populations (possibly migrants), labour demand decisions by employers, and the intermediary decisions by human traffickers.

Sociological – Sociological research makes legislation more effective for different countries and situations as it increases the knowledge of cultural norms and responses. Sociological approaches theorize all working conditions, including those for sex workers, as a complicated and contextualized continuum which may contain various aspects of privilege, agency, coercion, and structural constraint. Drawing from rich empirical studies and intersectional theories of sexual labour, social researchers and scholars have offered several important critiques of dominant human trafficking narratives and policies. The following are four major themes:

1. **Unreliable data** – systematic data on this stigmatized, often underground population is difficult to acquire, but not impossible. Claims of fact by policy makers are often based on unreliable evidence, dubious data sources or unverifiable global generalizations.
2. **Anti-sex work ideology** – anti-sex work bias remains across academic, political, and media domains. Research shows a complex understanding of how labour conditions and sex work are connected to their specific social environment. Yet, many spokespersons in the fight against human trafficking continue to replicate the idea that sex work is inherently exploitative, that sex work is not ‘real’ work, and that few if any individuals ever choose to do it. Much of this anti-sex work ideology is embedded in policy and affects the ability to acquire and disseminate reliable data. Anti-sex work bias is also embedded in common language used about human trafficking. For example, the terms ‘sex trafficking’ and ‘sex slavery’ are sensationalistic discursive tools that prioritize the product (“sex”) rather than people (sex workers). Many advocates for sex worker rights thus prefer more humanizing and empirically descriptive terms such as “trafficking in the sex industry” or “forced sexual labour”.
3. **Rescue industry and carceral state critiques** – Theoretically driven research has also critiqued trafficking politics in the context of neoliberal culture and politics. The discourse around “sex trafficking” touches on feminist anxieties about male sexual exploitation of women, conventional religious beliefs regarding gender roles and sexual morality, the panic around childhood and lost innocence, as well as neoliberal political cultures of individual blame and responsibility. Moreover, many argue that the sex panic around “sex trafficking” rebrands various social problems connected to poverty, migration and labour rights as individual moral problems (or national security concerns) and expands the criminal justice system to increase monitoring and control of marginalized populations.
4. **Global health and human rights** – Anti-trafficking approaches that feed rescue and carceral institutions are also in direct contradiction to advice by leading global health and human rights researchers and sex worker rights advocates. The Nordic Model has garnered popular attention however research is showing that any form of criminalization in the sex industry (including the criminalization of clients) increases harm for individuals in the sex trade including increased coerced sex work for those below the

age of eighteen, increased violence against sex workers, and increased rates of HIV/AIDS. Moreover, aggressive policing and forced 'rescues' violate the human rights of individuals in the sex industry as well as their children and families. Based on this and other research, global health and human rights organizations are opposing criminalization or detention approaches for ages 10 – 17 with many calling for the complete decriminalization of prostitution. Advocates for sex workers, including individuals who are trafficked into sex work, argue for resources and rights rather than rescue and criminal punishment.

Technological – Traffickers look for newer technologies to stay a step ahead of law enforcement. The internet, along with other technologies, plays a role in both enabling and combatting human trafficking. The techniques used by traffickers to gain the trust of human trafficking victims vary widely, including expressing love and admiration of the victim, promising to make the victim a star, and providing a ticket to a new location away from the victim's home. Another type of trafficking effort starts with an online employment search and results in an unsuspecting victim relocating from her or his home on the promise of a better future. After the victim joins the offender, various techniques are used to retrain the victim's access to communication with home, such as imposing physical punishment and even death to the victim or her/his family.

Private Industry's Efforts to combat Human Trafficking – there are numerous instances of private industry joining the effort to expand the use of technology to disrupt and combat human trafficking. Examples of such include the following:

- In December 2011, Google made several grants totaling \$11.5 million to anti-trafficking organization to support new initiatives utilizing technology to combat human trafficking. These technology-focused initiatives include projects with Polaris Project, Slavery Footprint, and the International Justice Mission,
- In June 2012, Microsoft Digital Crimes Unit and Microsoft Research collaborated on an initiative to support researchers who had creative ideas for researching the role of technology in facilitating the commercial sexual exploitation of children. The Microsoft groups awarded a total of \$185,000 to six research teams studying a wide variety of issues related to disrupting technology-facilitated sex trafficking and improving services to victims.
- LexisNexis also is engaged in the effort to combat human trafficking and has been instrumental in promoting and introducing an array of technology driven tools to assist in detecting, monitoring, and researching human trafficking, including a national database of social service providers; an online resource center for attorneys who work with human-trafficking victims; a training institute established with the American Bar

Association on civil remedies for victims; and a Human Trafficking Index to track trafficking news articles produced by 6,000 news sources in more than 120 countries.

- JP Morgan Chase has developed tools for applying anti-money laundering protocols to human-trafficking networks. Because both money laundering and human trafficking tend to involve hidden financial transactions, technologies for detecting money laundering have proven useful in detecting other illicit transactions. One such investigation of several credit card transactions at a nail salon during nonbusiness hours uncovered a human-trafficking operation.

Instead of relying on anecdotal events, most commentators agree that significant research is necessary to judge the extent to which human trafficking is facilitated and effectively combated by the Internet and other technologies. One research report notes the necessity of bringing together various protocols (including those of the academic community, government, law enforcement, private industry, and NGO's). Future recommendations include the following research questions:

- Can online technologies be used to monitor and disrupt the demand side of sex trafficking?
- Can technologies designed to detect sex trafficking be used to detect labor trafficking?
- How might offline trafficking behaviors manifest themselves in online messages?
- Do potential traffickers and clients using mainstream social media sites differ from those using more underground sites, forums, and chat rooms?
- Can online technologies be exploited by traffickers to reconnect with recovering victims, leading to recidivism?
- How will Internet-enabled mobile devices affect human trafficking?

Legal – With regards to legislation, this remains one of the most powerful tools at our disposal to combat the crime. The EU Anti-trafficking Directive has been the backbone of the EU's efforts in combatting human trafficking. Significant efforts have been made by Member States however there is still room for improvement as regards the prevention, protection, assistance, and support measures to victims, including child victims. This remains a priority of the Commission to ensure that traffickers do not benefit from diverse approaches across Europe and that victims receive adequate protection within the EU regardless of where they are.

Environmental – Climate change / environmental risks / one of the sustainable development goals.

- Data collection and research on trafficking trends should also include an assessment of environmental conditions and climate impacts on livelihoods, particularly if this appears as a primary driver towards trafficking or smuggling.

Appendix 5 - Communication Plan and List of Stakeholders

List of liaison officers responsible to report and collaborate with HRIU on Anti-Human Trafficking Project:

Public Bodies:

*** Ministry for Home Affairs, Security, Reforms and Equality**

- PDPI – Ms. Stephanie Bason and Mr. Joseph St John
- Identity Malta Agency - Dr. Christine Busuttill, Ms Lara Axisa, Mr Philip Azzopardi
- Malta Police Force - Assistant Commissioner - Dr. Dennis Theuma
- Victim Support Unit - Ms. Sylvana Gafa
- AWAS - Mr Mauro Farrugia CEO
- Victim Support Agency - Mr Brian Farrugia
- International Protection Agency – Mr Malcolm Cutajar

*** Parliamentary Secretariat for Reforms and Equality**

- Human Rights Directorate (HRD) – HRIU

Ministry for Health

- Public Health - Dr. Tanya Melillo, Dr. Valeska Padovese (GU Clinic)
- Occupational Health and Safety Authority (OHSA) – Dr Mark Gauci

*** Ministry for Justice**

- Justice Department - Ms. Katya Caruana (Director Dept. of Justice)
- PDPI - Ms Simone Musu, Ms. Marlene Spiteri
- Legal Aid Malta - Mr Bruno Zahra
- Office of the Attorney General - Dr Victoria Buttigieg
- Office of State Advocate - Dr Christopher Soler
- Court Services Agency (Criminal Court, Appeal Court, Court of Magistrates)

*** Ministry for the Family. Children's Rights & Social Solidarity**

- Foundation for Social Welfare Services (FSWS) - Agenzija Appogg – Ms. Graziella Castillo
- Commissioner for Children – Ms. Antoinette Vassallo

*** Commission on Gender Based violence and domestic violence – Ms. Audrey Friggieri**

*** Ministry for Finance**

- Financial Intelligence Analysis Unit (FIAU)

*** Ministry within the Office of the Prime Minister (Sustainable Development, Implementation of the Electoral Manifesto, Social Dialogue)**

- Department for Industrial and Employment Relations (DIER)
- Malta Council for Economic & Social Development (MCESD)

* **Ministry for Education and Employment**

- Jobsplus – Mr Mario Xuereb

* **Ministry for Tourism**

- Malta Tourism Authority – Mr Carlo Micallef

* **Malta Developers Association**

* **Trade Unions**

* **The Media**

Intergovernmental Organisations:

- * International Organization for Migration (IOM) - Ms Laura Maciulskaitė, Ms Anna Guistiniani
- * United Nations High Commissioner for Refugees (UNHCR) - Ms Maria Jones, Ms. Mireille Sant

Civil society Organisations:

- * Malta Council for Economic & Social Development – Perit. David Xuereb
- * Malta Employers Association - Ms Joanne Bondin, Mr Martin Vella
- * Chamber of Commerce - Dr Marthese Portelli
- * The national council of women - Ms Mary Gaerty
- * The women’s rights foundation - Dr Marcelline Naudi, Dr Lara Dimitrijevic
- * The Malta emigrants commission - Mons. Alfred Vella
- * The Jesuit refugee service - Dr. Catherine Camilleri
- * Aditus - Dr Carla Camilleri
- * Caritas Malta - Mr Anthony Gatt
- * The People for Change Foundation - Dr Jean Pierre Gauci, Dr Christine M Cassar
- * KOPIN Malta - Mr. Dominik Kalweit
- * Dar Hosea - Mr Maria Mangion

Appendix 6 - Call for Action

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 has set up an [Anti-Human Trafficking Inter-Ministerial Committee](#). The Human Trafficking Working Groups, set up by the TSI project to identify the legislative and operational needs in the process of drafting a national strategy and action against Trafficking in Human Beings, will also be entrusted with the implementation of the strategy.

The [appointed representatives of the IMC](#) will be responsible to 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 [Ministerial 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.

Human Rights Initiatives Unit

Email: humanrightsinitiatives@gov.mt

GUIDELINES FOR ACTION PLAN - SUBMISSION REQUIREMENTS

1 – Indicate name of the Ministry

2 – Include name 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- Include Contact Details - Email / Tel /Mob no:

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* and their roles within the respective governmental bodies falling within your Ministry's portfolio.

**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.*

5 – 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 2020-2023³⁴. 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

Include a preamble, background information, the strategic goals and indicators for the applicable specific objective.

Feel free to 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.

³⁴ <https://homeaffairs.gov.mt/en/MHAS-Information/Documents/Trafficking%20in%20Human%20Beings/National%20Action%20Plan%20January%202020%20-%20December%202023.pdf>

The below Plans are required in the form of appendices:

Appendix 1 - The organization structure indicating the Operational Team responsible on THB
- Enlist the current roles of all stakeholders / actors / officers (including external partners) assigned to combat THB within your entity / organization.

Appendix 2 - Proposal for specialised training including for which Officers, number of officers and objectives of training.

Appendix 3 - Plan for awareness raising campaigns

Appendix 4 - Plan for Educational / Support services

Appendix 5 - A list with the Indicators for early recognition of victims of trafficking to ensure the identification of Potential Victims of THB, for each of the following:

- All forms of exploitation
- Sexual exploitation
- Labour exploitation
- Other types of exploitation (begging, perpetration of criminal activities, trafficking in organs)

Appendix 6 - A Monitoring, Reporting and Evaluation Plan

Appendix 7 - Support, Protection and Reintegration Plan specifying the type of System of Protection and Assistance is available to victims of trafficking within your entity

Appendix 8 - A plan towards an Effective Criminal prosecution and Investigation in relation to the National Referral Mechanism and data collection.

Appendix 9 - Coordination and Partnership Plan

Appendix 10 - Plan for further International Cooperation including prospects of signing of bilateral and protocols.

For each plan, identify the **Challenges** and provide **Recommendations** to improve the mechanisms and/or procedures within the respective entities in the fight against THB.

The Action Plan and the required Appendices should be submitted, by not later than, **30 November 2022, cob.**

6 - Provide a Reference List including any material (*reports, publications, online material, data, statistics,*) 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.

7 - You are kindly requested to provide all the above information in a **ZIP File** and include all the material available at your end via e-mail on humanrightsinitiatives@gov.mt

1. LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

- A) 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.

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.

- B) Include specific references to the source of law whenever possible.

Provide the references & 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

- 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.

2. OPERATIONAL & TECHNICAL REQUIREMENTS

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.

A i) Provide information on the national mechanisms and procedures currently applied to prevent, identify, inspect, and protect victims / potential victims of THB?

ii) 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.

iii) 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?

iv) 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

v) 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?

B. i) 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.

ii) Elaborate on how inspections and investigations are being carried out to identify and prosecute the perpetrators (if applicable)

iii) When is an investigation/assessment initiated?

iv) What are the steps taken to collect evidence and elucidate the circumstances of the suspected crime?

v) Identify any tools and/or IT/AI solutions to access information required during the investigation/assessment process.

vi) Explain how the tools, check lists, standards, undertaken by your entity detect exploitation.

vii) Explain the indicators applied to identify an irregular activity having elements of the crime of trafficking in human beings

C. i) List the entities you collaborate with during the investigation/assessment.

ii) 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?

iii) Describe the measures required to ensure a victim-centred approach during the processes applied by your entity.

iv) What are the priorities in a matter of urgency?

v) 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?

vi) How are vulnerable persons removed from harmful situations? Where are they taken and what means are given to ensure their needs are met?

vii) 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.

D. i) Explain further how your entity contributes to effectively fulfill this positive obligation.

ii) 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

iii) 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

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

v) 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?

vi) How does your entity ensure that the summons is effectively served on the witness required for the investigation

vii) What are the elements that confirm use of force as well as harbouring and debt bondage?

E. TRANSNATIONAL COOPERATION WITH FOREIGN INSTITUTIONS/ORGANISATIONS

Enlist any affiliations with international/regional and European institutions/ organisations.

3. BUDGET

A i) Do you have any dedicated budget for the implementation of the proposed action as per Section ?

ii) If so, kindly elaborate and provide yearly amount.

B 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?

4. CHALLENGES

- i) Describe the main challenges and shortcomings within your entity to ensuring the human rights of victims or presumed victims of THB.
- ii) 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.)
- iii) Elaborate on the challenges faced by victims / presumed victims of THB to obtain protection against their human rights violations.
- iv) Describe the challenges identified by your entity in ensuring that victims of THB who are survivors have access to justice.

5. RECOMMENDATIONS

- i) What kind of resources are still required by your entity to combat THB?
- ii) 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.
- iii) 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.
- iv) 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.
- v) 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.
- vi) 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

Appendix 7 - A brief overview of the current situation and trends on Trafficking in Human Beings (THB)

Human Trafficking takes many forms and affects people of all ages, genders, and races. From physical violence and torture of victims, to the psychological and emotional trauma endured, to the economic and political implication of relentless crime. The crime of Trafficking in Human Beings (*hereinafter referred to as THB*) has a clear impact on every one of us and the fight against this phenomenon needs to be stronger and more effective.

Research results indicate that certain populations tend to be more targeted by traffickers. Human traffickers look for people who are vulnerable or find themselves in a vulnerable situation. They prey on the poor, isolated and weak. Concerns such as disempowerment, social exclusion and economic issues are the result of policies and practices that marginalize entire groups of people making them more vulnerable of being trafficked. Moreover, natural disasters, political instability and conflicts weaken the already fragile social protection measures. Nevertheless, these are not the only factors which make a person at risk of being trafficked. The attraction of opportunities, the huge demand for low-cost goods and services and the prospect of a stable income drive people into potentially dangerous scenarios where they find themselves in a greater risk of being exploited.

Malta continues to be primarily a country of destination for trafficked persons. According to statistics provided by the Maltese authorities, the total number of formally identified victims of trafficking in human beings in 2017-2020 was 44, amongst those there were four formally identified child victims trafficked for the purpose of sexual exploitation and drug trafficking. THB for the purpose of labour exploitation is the predominant form of exploitation, followed by trafficking for the purpose of sexual exploitation. All identified adult victims were foreigners and the main victims originated from Ukraine and the Philippines. There were also identified victims coming from China and Hungary. As a result, the Maltese authorities consider that migrant workers coming from Asia, in particular the Philippines, are at risk of trafficking and exploitation, especially in the sectors of construction, cleaning, domestic work and fishing. Moreover, women working in the so called 'gentlemen's clubs' and massage parlours are exposed to risks of sexual exploitation.

In addition to the above statistics on formally identified victims, there are also a number of presumed victims of THB who have refused to enter into contact with the police due to many factors, including fear from the authorities and because of the trauma endured. Some of those victims have nevertheless been assisted by NGO's. In 2020, 25% of the persons rescued at sea and disembarked in Malta were unaccompanied minors and separated children. An increase in new arrivals has placed greater demand on the Maltese immigration and asylum system and has led to a significant deterioration of the reception conditions of asylum seekers, exacerbated by the COVID-19 pandemic. Most migrants remain in Malta where they claim asylum, yet no data is available on the number of victims of THB who were identified among asylum seekers.

Developments in the legislative, institutional and policy framework for action against THB

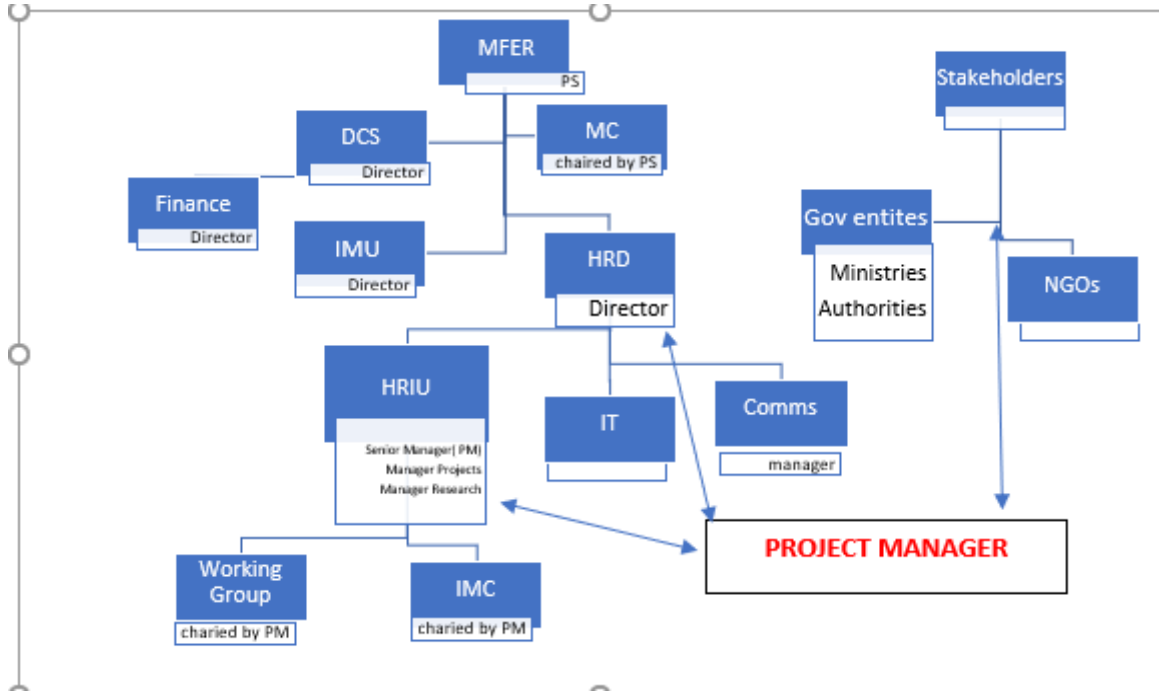
The legislative framework related to action against THB has evolved considerably. In June 2016, Article 248C of the Criminal Code criminalising THB for the purpose of organ removal was amended to clarify the circumstances under which that offence is sanctioned, and new aggravating circumstances for trafficking offences described in Article 248A to 248D of the Criminal Code were introduced. Moreover, through Act XIII adopted in April 2018, the minimum penalty for THB was increased from four to six years imprisonment. Furthermore, compensation for moral damages of victims of trafficking was introduced to the Criminal Code and Civil Code.

The Victims of Crime Act (VCA) introduced a new provision i.e. Article 14A allowing a judge to appoint a specially trained expert as a support person to assist a child victim throughout the court proceedings and for a suitable period of time following the conclusion of proceedings. Moreover, two new services were included in the list of minimum services for victim of crimes in general (*ref to article 12 of the Act*): medical treatment and protection measures against the risks of intimidation and retaliation. These services are provided to victims even when the offence was committed in another EU Member State. In 2019, the Child protection (Alternative Care) Act was substituted by the Minor Protection (Alternative Care) Act, which covers various aspects of child protection, including a review of the childcare system, protection of children during judicial procedures, the availability of children's advocates, and issues related to foster care.

Further developments included the adoption in October 2016 of Subsidiary Legislation 610.03 on Public Procurement Regulations, which provides for the exclusion from public procurement procedures of companies involved in human trafficking. In the same year, was the adoption of the Human Organs, Tissues and Cell Donation Act which was followed by the ratification of the Council of Europe Convention against Trafficking in Human Organs. In 2019, Malta also ratified the 2014 Protocol to the 1930 Forced Labour Convention.

The Anti-Human Trafficking Monitoring committee, which is responsible for the drawing up and monitoring the implementation of anti-trafficking policies, has adopted the fourth and fifth National Action Plans on Combatting Trafficking in Human Beings. These plans include measures under the pillars of co-ordination, prevention, awareness raising, evaluation and monitoring. The Maltese Government launched a public consultation in September 2019 with a view to carrying out a reform on human trafficking and prostitution. As part of this process, the Government intended to develop a comprehensive National Strategy against Human Trafficking For 2020 – 2024, as well as determining the necessary policy and legislative changes related to prostitution. An Inter-Ministerial Committee and a National Expert Working Group will be set up to deal with the new national strategy against Human Trafficking. The Initiatives Unit within the Human Rights Directorate of the Ministry for Home Affairs, Security, Reforms and Equality has also been set up to monitor the implementation of the strategy and co-ordinate the work of stakeholders involved in the fight against THB.

APPENDIX 8 – ATNS MANAGEMENT STRUCTURE



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