

UN Questionnaire - Trafficking in Women and Girls 2024

REFERENCE: UNW/2024/003

The Human Rights Directorate (HRD) requested feedback through the Anti-Human Trafficking Inter-Ministerial Committee composed of 18 ministries, the Office of the Prime Minister, the Office of the Attorney General and the Office of the State Advocate. The information below was compiled from the following sources:

- MEES/HRD/HRIU – Ministry for European Funds, Equality, Reforms and Social Dialogue/ Human Rights Directorate/Human Rights Initiatives Unit
- MEES/CGBVDV - Ministry for European Funds, Equality, Reforms and Social Dialogue/Commission on Gender-Based Violence and Domestic Violence
- MHA – Ministry for Health and Active Ageing
- MSAA - Ministry for Social and Affordable Accommodation
- MJR – Ministry for Justice and Reform of the Construction Sector
- MHSE/MPF - Ministry for Home Affairs, Security and Employment/Malta Police Force
- MHSE/VSA - Ministry for Home Affairs, Security and Employment/Victim Support Agency
- MEER/ERA - Ministry for the Environment, Energy and Regeneration of the Grand Harbour/Environment and Resources Authority
- MFIN/FIAU – Ministry for Finance/Financial Intelligence Analysis Unit

QUESTION 1:

Provide information on the measures adopted to address trafficking in women and girls, as per resolution A/RES/77/194, including on efforts to prevent and address the root causes that lead to all forms of exploitation of women and girls including through addressing demand.

Action 12 of Malta's [National Action Plan on Human Trafficking 2020-2023](#) addressed trafficking in women and girls as it called for the creation of awareness sessions for women and girls aimed at providing information about:

- a) services that would assist in dealing with past traumatic situations;
- b) the threat posed by labour trafficking and human trafficking for sexual exploitation.

The Human Rights Directorate, (HRD) undertook the management of an Awareness Raising Campaign on Human Trafficking which was launched on 1st February 2023. Throughout this campaign, effort was made to ensure that a gender perspective is present throughout, with all outputs designed in a gender sensitive manner whilst encompassing

the message that any person, regardless of gender, can become a victim of human trafficking.

This campaign which has taken place through billboards, bus wraps, bus shelter posters as well as participation on national radio and television programmes has strived to equip the public to be able to report any suspicious activity pertaining to trafficking and to allow victims to be better guided to the national support services.

Additionally, during HRD's Blue Heart Campaign event in 2023, a video feature case study was produced, shown to the attendees, and later uploaded on social media. The video, which took a victim-centred approach, shows a woman's experience of trafficking.

Online awareness raising efforts can be accessed from the below links:

Website: <https://antitraffickingmalta.gov.mt/>

Facebook: <https://www.facebook.com/antitraffickingmalta>

Instagram: <https://www.instagram.com/antitraffickingmalta/>

HRD and Aġenzija Appoġġ collaborated on the creation of a programme which worked to ensure that sex workers have adequate access to services, to safeguard their well-being and to reduce the risks of exploitation which they may encounter in their work. It should be noted that, thus far, all participants within this programme were women.

The Commission on Gender-Based Violence and Domestic Violence (CGBVDV) has multiple generic ongoing initiatives that aim at preventing gender-based violence (GBV) and domestic violence (DV). Such initiatives include multi-agency training targeted at frontline professionals working with victims, such as police officials, probation officers, health care professionals, social workers, educators and more.

Other initiatives include awareness-raising efforts with targeted groups and the general population. More specifically in the third quarter (Q3) of 2022, the Commission dedicated its efforts towards the development and delivery of an awareness-raising campaign that centred on migrants' experiences of gender-based violence and domestic violence. The title of the campaign, 'All Humans have Dignity: RESPECT. PROTECT.', is meant to communicate the pervasiveness of gender-based violence and domestic violence across all segments of Maltese society. The campaign also acknowledged the intersectional nature of such violence and the barriers that both victims and supporting professionals may encounter. The campaign encompassed three activities: the dissemination of multilingual posters, focus groups with field professionals and information sessions with migrants residing in open centres. The multilingual posters were developed in collaboration with the United Nations High Commissioner for Refugees (UNHCR) Malta. Nine different designs and messages commonly communicated the state's intolerance towards all forms of gender-based violence. These were shared through posts on the Commission's Facebook and Instagram pages, through sponsored adverts on Facebook and Instagram and through printed copies which were disseminated amongst primary healthcare and community clinics, state schools, the Ministry for Gozo, and Migrant Women Association.

With regards to trafficking for the purposes of sexual exploitation, the Commissioner participated in an International Conference on the Prostitution System: Listening to Survivors and Understanding the Legislative Approaches, organised by the Coalition for the Abolition of Prostitution (20 September 2023). During this conference, survivors and

experts spoke about their experiences, the importance of exit programmes and the impact of different legal perspectives.

Furthermore, the Government of Malta has committed to the implementation of the National Strategy on Gender-Based Violence and Domestic Violence (2023 – 2028), which was launched in November 2023. The Strategy is based on the four pillars of the Istanbul Convention: integrated policies, prevention, protection and support and prosecution. Amongst the 23 measures which include 81 more specific actions, the Strategy includes those that are more targeted at addressing gender-based violence experienced by migrant women and girls.

Primarily, action 1.1k speaks about the development of a strategy that aims to address human trafficking which addresses issues related to forced prostitution and exploitation for sexual purposes as crimes, recognising that this type of human trafficking disproportionately affects women and girls. Another action focuses on criminalising the act of virginity testing.

Measure 1.2 states that the State will “Ensure that laws and administrative procedures do not prevent migrant victims from leaving violent relationships due to fear of deportation, loss of legal status or revoked custody over the children”. Three actions under this measure specifically focus on:

- a. Update existing residence criteria regarding the residence status of victims of DV.
- b. Conduct research on the prevalence and barriers encountered within migrant communities to inform policy development.
- c. Develop training programmes for professionals who work with migrants on recognising early signs of abuse and the barriers encountered by migrants who are victims of DV and GBV.

More generic measures and actions focus on different forms of gender-based violence. The CGBVDV together with HRD recognise that child marriages are taking place in Malta and therefore it is one form of gender-based violence for which background work has already started, with a roundtable discussion between professionals, experts and civil society organisations being planned for the third quarter (Q3) of 2024.

At St Vincent de Paul long-term care facility (SVP), third-country nationals that are mostly working as cleaners, catering, security, nurses and carers are all provided an employment contract signed by their employers to ensure that they are aware of their nature of their employment conditions. This is done before they enter Malta. Moreover, by means of SL 452.116 on Itemised Payslip Regulations, adopted in August 2018, all workers are provided an itemised payslip. Moreover, the Ministry for Health and Active Ageing (MHA) cooperates with the Employment Agencies Regulations Law and the Department for Industrial and Employment Relations (DIER) in sharing of information to protect workers recruited through employment agencies.

General introduction on the FIAU and relative AML/CFT legislation:

The Financial Intelligence Analysis Unit (FIAU), being Malta’s FIU (Financial Intelligence Unit), is the national central unit in Malta that is responsible for the collection, collation, processing, analysis, and dissemination of information to combat money laundering (ML) and funding of terrorism (FT). Such information is received and obtained both from domestic

sources but also from international sources. One of the fundamental sources of information are the reports that subject persons, that is obliged entities, file in the circumstance of suspicious transactions or suspicious activities linked to ML and FT. These reports are then analysed and, where the FIAU has a reasonable suspicion of ML/FT, it will disseminate the results of its analysis to the Police. Apart from the Police, the FIAU may also share intelligence with other domestic authorities and foreign counterparts. This can happen both in a spontaneous manner and upon request. The financial intelligence communicated by the FIAU is one of the sources of intelligence that the Malta Police Force can use to launch investigations.

The Prevention of Money Laundering Act (PMLA) (Cap. 373) criminalises ML and FT. This Act adopts an ‘all-crimes’ approach and thus even ML and FT linked to criminal acts related to human trafficking and modern slavery need to be reported to the FIAU, as per Regulation 15 of the Prevention of Money Laundering and Funding of Terrorism Regulations (PMLFTR) (S.L. 373.01).

In July 2023, the Financial Against Slavery & Trafficking (FAST) which is a UN initiative, contacted the FIAU to hold a roundtable discussion in July 2023 with a number of Maltese subject persons/obliged entities. FAST also proposed to draft a guidance on human trafficking/modern slavery (HT/MS)-related ML. Thus, during 2023, the FIAU started to work on organising this Roundtable discussion and also sent a draft guidance that the FIAU had already started working on prior to that.

On the 18th and 19th July 2023, FIAU and FAST organised the Roundtable discussion. Various national and international speakers focused on providing insight on the central topics of HT/MS-related ML and FT and how challenges can be tackled. Breakout sessions were also held to receive feedback from the public and private sector to further assist in the draft FIAU-FAST guidance publication on HT/MS-related ML and FT. Subject persons/obliged entities coming from the credit institutions and financial institutions sector gave their insights and perspectives on the FIAU-FAST guidance which were very valuable especially to understand the applicability of the content from a practical perspective. This Roundtable Discussion served as a Public-Private Partnership (PPP) Initiative having public authorities and the private sector representatives all sitting at the same table and discussing this crucial matter.

Since this Roundtable discussion took place, the FIAU and FAST collected the information and made the necessary amendments, changes and additions to the guidance which will be entitled ‘Human Trafficking & Modern Slavery Guidance and Typology Report for Malta’. This publication is set to be published in May 2024 (later this month).

Additionally, following a strategic analysis that took place in 2023 and 2024, a FIAU factsheet in conjunction with the above-mentioned guidance, entitled ‘Intelligence Factsheet: Strategic Analysis on Maltese Massage Parlours and their possible exposure to the sexual exploitation of women’, will be published. This factsheet is set to be published in May 2024, too (later this month)

These two publications are initiatives which will assist subject persons/obliged entities to be informed and enhance their knowledge about HT/MS-related ML and FT.

On the 27th and 28th November 2023, the FIAU was invited to attend the UNU-CPR initiative FAST 2023 Annual Stakeholder Convening. This event brought together private and public sector experts on regional and global contexts, civil society, research communities but most significantly people with lived experiences (survivors). Attendees shared knowledge and practices with the aim to eradicate human trafficking and modern slavery (HT/MS). Through the panel discussions and breakout sessions, the attendees were able to highlight opportunities for the financial sector to address HT/MS through the Environment, Social and Governance (ESG) principles and the human rights due diligence framework. Global examples and best practices were shared during such sessions. Additionally, a roadmap was developed through discussions on potential partnerships, information networks, and/or resources with and for the financial sector. This Annual Stakeholder Convening also provided the FIAU with knowledge in terms of the guidance drafting.

In 2022, HRD was awarded the Joint Project entitled ‘Supporting Malta in the design and implementation of a new National Anti-Trafficking Strategy’. This project is managed by the HRIU within the HRD with the support of the Council of Europe (CoE) and funded through the Technical Support Instrument (TSI). The Detailed Project Description (DPD) acknowledges that responses to human trafficking should be gender sensitive and ensures the adequate collection of gender disaggregated data. Various stakeholders have been active participants in the discussions which are leading up to the creation of the National Strategy in order to strengthen the interdisciplinary and cross-sectoral approach to combating trafficking in human beings (THB).

The Upcoming Strategy and National Action Plan shall contribute towards increasing efforts to preventing and addressing the root causes that lead to all forms of exploitation of women and girls. Anti-trafficking actions are being developed in to address root causes, risks, threats, and new methods used by traffickers. Furthermore, the Strategy also addresses the demand through targeted measures. One of such measures includes awareness sessions carried out in schools to discourage demand that fosters human trafficking in which school children are educated about, trafficking, exploitation, gender equality and the importance of human rights.

- **Outline challenges faced and remaining gaps in implementation as well as opportunities for scaling up and replication:**

With reference to the awareness raising campaign carried out by the HRD, the aim of the campaign is not to be gender neutral, especially since the majority of trafficking victims are women and girls, therefore, future campaign outputs shall highlight this element. Additionally, other campaign material shall also acknowledge the fact that gender plays a part in the type of trafficking that victims experience.

As the coordinating body on gender-based violence and domestic violence, the CGBVDV recognises that collaboration is an opportunity to get a better understanding of various forms of gender-based violence, domestic violence and the situation in Malta and Gozo.

Challenges encountered with regards to working with migrants and addressing issues related to human trafficking are that generally these are well hidden in the black market. It is generally difficult to conduct research with these target groups, as sometimes their situation

limits them from reaching out, they fear authorities or fear consequences that they would face if their perpetrators were aware of their actions to speak up.

One of the challenges that the FIAU faces is the AML/CFT (Anti-Money Laundering and Combatting of Funding of Terrorism) guidance and outreach to be provided to the subject persons/obliged entities in relation to HT/MS. Thus, the FIAU, through the initiatives mentioned in the previous response and through the collaboration with national and international bodies, created avenues to provide guidance and outreach to subject persons/obliged entities in combatting HT/MS-related ML and FT.

The challenge faced in relation to the draft publication entitled ‘Human Trafficking & Modern Slavery Guidance and Typology Report for Malta’, which will be published this month, was to clarify the role of the FIAU in the fight against HT/MS, by combatting ML/FT. The publication includes a section specifically intended to clarify how the FIAU works and how subject persons can assist the FIAU in the fight against HT/MS-related ML and FT. The FIAU is also posed with the challenge to provide valid information which can assist the subject persons/obliged entities when conducting their AML/CFT obligations.

The factsheet entitled ‘Intelligence Factsheet: Strategic Analysis on Maltese Massage Parlours and their possible exposure to the sexual exploitation of women’ which will also be published this month, is also another publication which presented its challenges in terms of providing the most relevant information for the subject persons/obliged entities when applying their AML/CFT obligations.

Following the publication of the guidance, the FIAU will take stock and evaluate whether any gaps in implementation remain and how such can be addressed.

One particular challenge of note is to better integrate financial investigation into human trafficking investigations in order to ensure that the accused’s assets are not dissipated with a view to confiscation should there be a finding of guilt.

- **Outline the Impact of measures taken, and results achieved:**

MHA has had no reports of exploitation of women and girls.

One of the Housing Authority’s initiatives that is being tapped on the most by victims, is the deposit and first rent assistance. This initiative is designed for vulnerable individuals and families who require financing to cover the deposit and first rent required to lease a privately owned dwelling (dwelling within an area where the victim has community support and would be away from the perpetrator). Payments of the deposit and first rent are paid back to the Housing Authority periodically.

Subsequent rent payments may also be subsidised to ensure that the victims do not pay more than 25% of their income in rent. The income could be coming from employment as the Authority supports empowerment and economic independence and could also come from social benefits provided by the state. This initiative, demonstrates empowerment, encourages economic independence and is a change to a new start away from the perpetrator.

Following this assistance, victims may opt for schemes provided by the Housing Authority. All procedures within the Authority do not discriminate against victims. Victims may benefit

from social accommodation in a residence provided by the state. The social work team at the Housing Authority access each case in a tailor-made manner. These professionals are employees of FSWS (Foundation for Social Welfare Services) who work for the Housing Authority and are trained to give professional services to applicants and victims.

In 2022 and 2023, a total of nine rounds of multi-agency training were held by the CGBVDV with 241 professionals participating in all. Two rounds of multi-agency training have been conducted in 2024 and another three are scheduled for later this year. Legal amendments to criminalise virginity testing were passed through Parliament and signed on 15th March 2024.

Through the launch of the National Strategy on Gender-Based Violence and Domestic Violence, the state has committed to 81 specific actions that address different forms of gender-based violence which affect different social groups.

In the case of the joint FIAU-FAST Roundtable discussion held on the 18th and 19th July 2024, various national and international speakers focused on providing insight on the central topics of HT/MS and how challenges can be tackled. The presentations focused on financial inclusion, financial flow of HT/MS-related ML and typologies in Malta, the importance of public-private partnerships (PPPs) in Malta and the potential of a dedicated HT/MS workstream. Breakout sessions were also held to receive feedback from the public and private sector to further assist in the draft FIAU guidance publication on HT/MS, which is also a collaboration with FAST. The valuable insights and perspectives provided by the subject persons/obliged entities and public authorities helped in the drawing up of the upcoming guidance publications which are comprehensive and beneficial in providing knowledge in relation to HT/MS-related ML and FT and how subject persons/obliged entities can fight such a heinous crime.

The draft publication entitled 'Human Trafficking & Modern Slavery Guidance and Typology Report for Malta', which will be published this month, will also provide the necessary information and insights to assist subject persons/obliged entities when conducting their AML/CFT obligations. This publication provides a general outlook on the current international and national situation connected with HT/MS, the importance of financial inclusion, an overview of the financial intelligence analysis section and the benefits of financial investigations, trafficking profile and the typologies of traffickers. Additionally, it will also include HT/MS-related ML indicators and red flags, automated transaction monitoring systems and case studies.

The factsheet entitled 'Intelligence Factsheet: Strategic Analysis on Maltese Massage Parlours and their possible exposure to the sexual exploitation of women' which will also be published this month, is also another publication with the intent to provide the most pertinent information to the subject persons/obliged entities when applying its AML/CFT obligations. The publication includes information on the definition of illicit massage businesses, information on links to organised crimes and human trafficking victims working in illicit massage businesses (debt bondage and moral/cultural shame), red flags of human trafficking through illicit massage businesses and possible relevant indicators on goAML (the reporting system) and the situation in Malta.

The impact of the measures undertaken may be measured in the upcoming months, particularly when it comes to reporting efforts to the FIAU by subject persons/obliged entities.

Since the Office of the Attorney General took over the prosecution of human trafficking offences in October 2021, a number of prosecutions started, and in all of them, in line with Maltese legislation, the Court was asked to freeze the assets of the accused. These prosecutions are ongoing.

- **Outline the Monitoring and evaluation framework adopted:**

Eurostat has reported 19 in female THB victims, and 3 male THB victims in 2022.¹

The monitoring and evaluation functions of the state are carried out by the Human Trafficking Monitoring Committee (HTMC), set up in December 2022. The Committee carries out the monitoring the implementation of the legal obligations of the Maltese Government to combat THB. The Committee may also issue recommendations for further research or action against human trafficking.

Chapter 581 of the Laws of Malta establishes the CGBVDV as the entity responsible for the implementation, coordination, monitoring and evaluation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). The CGBVDV does this through the implementation and monitoring of the National Strategy and the coordination with different stakeholders. The CGBVDV chairs an Inter-Ministerial Committee with key stakeholders involved in the implementation of the strategy, including:

- Malta Police Force
- Department of Probation & Parole
- Ministry for Justice
- Department of Justice
- Court Services Agency
- Office of the Attorney General
- Legal Aid Malta Agency
- Ministry for Health
- Ministry for Education
- Ministry for Gozo
- Foundation for Social Welfare Services
- Human Rights Directorate
- Victim Support Agency
- Policy Development & Programme Implementation Directorate, Ministry for Home Affairs, Security and Employment.

Regularly SVP officials do interview third country national (TCNs) candidates for the posts of cleaners, catering, security, nurses and carers amongst others and ask for documentation.

The Office of the Attorney General is an active member of the Anti-Human Trafficking Inter-Ministerial Committee whose aim is to draft and eventually oversee the implementation of the National Strategy and Action Plan against Human Trafficking. The Office is also a

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https://ec.europa.eu/eurostat/databrowser/view/crim_thb_sex/default/table?lang=en&category=crim.crim_thb

member of the High-level Monitoring Committee in relation to this topic. In any case, the Office carries out continuous monitoring and evaluation in order to continuously improve the quality of prosecutions.

- **Outline the Budgets allocated for implementation:**

The government hasn't earmarked a specific budget for this initiative; however, a substantial sum is being injected nonetheless.

- **Outline the Collaboration with relevant stakeholders:**

An Anti-Human Trafficking Inter-Ministerial Committee has been set up with focal points from each Ministry in order to identify and implement measurable actions within their purview and collaborating on shared challenges. The Committee explores ways in which ministries and departments could improve their coordination in the field of trafficking in human beings.

As mentioned previously, the CGBVDV chairs an Inter-Ministerial Committee whereby collaboration between entities is sought and encouraged. Additionally, the CGBVDV works closely with civil society organisations. Monthly meetings are held with the Inter-Ministerial Committee and Civil Society Organisations (CSOs); whereas every quarter the Commission organises a joint meeting between the Inter-Ministerial Committee and CSOs.

MHA carries our regular liaison with DIER and contractors.

For the FIAU-FAST Roundtable discussion held on the 18th and 19th July 2024, the FIAU collaborated mainly with FAST but also with another 50 attendees which included representatives from credit institutions, financial institutions and public authorities, such as the Human Rights Directorate, the Office of the Attorney General, the National Coordinating Committee on Combatting ML & FT, the Asset Recovery Bureau, the Malta Police Force, and the Malta Financial Services Authority, amongst others.

The Office of the Attorney General collaborates with the Police in Malta as well as with foreign counterparts and foreign jurisdictions through EU channels as well as through requests for mutual legal assistance. In understanding this response, it is vital to bear in mind that the Office is purely a prosecution service.

QUESTION 2:

Provide below information on the impacts of conflict, crisis, COVID, climate change or other emergency contexts on the trafficking of women and girls and specific measures undertaken to address these risk factors.

During conflicts or crises, women and girls become more at risk of trafficking for several reasons. Enhancing checks at the border was a critical measure to address trafficking of women and girls in such contexts as well as strengthening border controls and implementing rigorous screening procedures. Training was also given to officers working at the borders to identify signs of trafficking. Additionally, information-sharing was ongoing between border authorities and other relevant stakeholders.

The National Strategy on Gender-Based Violence and Domestic Violence (2023 – 2028) includes a measure aimed at increasing capacity and strengthening coordination between various entities. Specifically, action 1.3a (iii) states that “a contingency plan for future national emergencies in view of national stakeholders’ experiences of the Covid-19 pandemic” will be developed.

- **Outline challenges faced and remaining gaps in implementation as well as opportunities for scaling up and replication:**

This action has not been initiated yet.

- **Outline the Impact of measures taken, and results achieved:**

Including this action in the National Strategy highlights the area of gender-based violence and domestic violence as an important one in cases of national emergencies.

- **Outline the Monitoring and evaluation framework adopted:**

The CGBVDV is responsible to work on this initiative together with other stakeholders. Considering that the CGBVDV is not an expert in national emergency situations and crises, its primary role will be to evaluation and monitor the inclusion of issues pertaining to GBV & DV in these scenarios.

- **Outline the Budgets allocated for implementation:**

The government hasn’t earmarked a specific budget for this initiative; however, a substantial sum is being injected, nonetheless.

- **Outline the Collaboration with relevant stakeholders:**

Stakeholders responsible for this measure include Foundation for Social Welfare Services, Ministry for Education, Sport, Youth, Research and Innovation, MHA MPF, VSA and the Department of Probation and Parole.

QUESTION 3:

Provide information on the Impacts of technology and digitalization on the trafficking of women and girls and specific measures undertaken to address these risk factors.

The rise of technology and digitalisation has greatly impacted the trafficking of women and girls. Traffickers exploit digital platforms for recruitment and advertising, utilising social media and online categories to expand their operations globally. The anonymity afforded by digital communication channels enables traffickers to operate covertly, posing challenges for the police. Moreover, the widespread availability of sexual content online continues to promote the commercialisation of women and girls, increasing the demand for trafficked victims.

As part of Action 10 of Malta's National Action Plan on Human Trafficking 2020-2023 the 'BeSmartOnline!' project led by the FSWS was created. This measure specifically focuses on addressing the risks of technology and digitalisation of human trafficking. It focuses on educating children, teenagers, parents, caregivers, and educators about safe internet use and combatting illegal online content, particularly child abuse material. The FSWS coordinated outreach sessions primarily targeting adolescents and addressing cyberbullying, sexting, and online grooming. These sessions aimed at raising awareness about the potential risks associated with online activities, promoting responsible digital citizenship, encouraging critical thinking, and empowering children to navigate the online world safely and confidently. Workbooks addressing various internet safety and abuse issues are utilised in schools, tailored for both primary and secondary levels. In addition, the website www.childwebalert.gov.mt is an online reporting facility for illegal online content and provides support services for victims.

MHA has had no reports of trafficking of women and girls by means of technology and digitalisation, such as recruitment and exploitation.

In relation to the use of technological means in legal proceedings, it is worth noting that the Prosecution routinely requests that victims testify via video-conferencing. Furthermore, amendments introduced in virtue of Act V of 2024 ensure that minors, victims of sexual offences, victims in general and vulnerable persons may be interviewed by the Police, and that interview, audio visually recorded, is admissible as evidence in legal proceedings. When carried out, this ensures that victims will not have to recount their ordeal over again. When it is not carried out, Maltese law, even prior to Act V of 2024, already stipulated that minors and vulnerable persons were to testify via video-conferencing and not in the physical presence of the accused. Furthermore, their testimony, including cross-examination, would take place thorough the presiding magistrate (and therefore not through direct questioning by the prosecution and by defence counsel) and has to be concluded in one sitting.

- **Outline challenges faced and remaining gaps in implementation as well as opportunities for scaling up and replication:**

Traffickers utilise sophisticated digital techniques to evade the police, benefiting from the anonymity of digital communication channels for covert operations. The widespread availability of online platforms facilitates recruitment and exploitation, particularly exploiting economically disadvantaged populations.

What would be considered as challenging is the fact that the prosecution has to ensure that victims testify at the very start of the proceedings so as to allow them to start a new chapter in their life as soon as possible and limiting their testimony to one sitting.

The challenge comes in terms of the length of time available to examine and cross-examine the witness. However, having said this, judges and magistrates are very co-operative when it comes to such matters and adapt accordingly.

- **Outline the Impact of measures taken, and results achieved:**

The use of videoconferencing during the testimony of victims allows victims to feel safer as they will not be asked questions in a room where the accused is present. The questions asked by the magistrate as stated above also avoids attempts by the defence to engage in victim-blaming and thus prioritises the rights, needs, interests and overall wellbeing of victims. The impact of reforms introduced by Act V of 2024 cannot be assessed yet due to its recency.

- **Outline the Monitoring and evaluation framework adopted:**

The Office of the Attorney General carries out continuous monitoring and evaluation to ensure robust prosecutions of ever higher quality.

- **Outline the Budgets allocated for implementation:**

The government hasn't earmarked a specific budget for this initiative; however, a substantial sum is being injected nonetheless.

- **Outline the Collaboration with relevant stakeholders:**

The Office of the Attorney General collaborates with the Police in Malta as well as with foreign counterparts and foreign jurisdictions through EU channels as well as through requests for mutual legal assistance. In understanding this response, it is vital to bear in mind that the Office is purely a prosecution service.

QUESTION 4:

Provide information on the Measures adopted to increase access to justice and to strengthen detection, protection of victim-survivors and prosecution of perpetrators.

The TSI Project will make sure that Malta's Upcoming National Strategy and Action Plan on Combatting Trafficking in Human Beings in Malta (2024-2030) is aligned with the relevant Sustainable Development Goals (SDGs), in particular eliminating all forms of

violence against women and girls, including for sexual exploitation (SDG 5.2), eradication of trafficking and forced labour (SDG 8.7) and eradication of trafficking of children (SDG 16.2). The project will establish synergy with activities implemented by the CoE Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which encourages Malta to set up institutionalised structures for co-ordination and co-operation. Collaboration was sought with a Women's Rights NGO in the design of the Strategy. Additionally, it should be noted that a research project conducted as part of the TSI Project enabled an evidence-based-approach in the creation of the Strategy. This research ensured that the measures developed are targeted towards the needs of victims, including those of women and girls.

The Strategy takes a gender-specific approach and was developed to ensure non-discrimination as follows:

- **A gender-specific approach.** The specificities of trafficking in human beings are reflected in differences of recruitment, control and exploitation of women and men. THB can also have specific and different impacts on women and men. For this reason, prevention strategies, as well as assistance and support measures for victims should be gender-specific, considering the different needs of male and female victims.
- **Non-Discrimination:** Different forms of discrimination (discrimination against minorities and vulnerable social groups, migration policies of discriminatory and restrictive nature, gender-based discrimination) are very often root causes of trafficking in human beings. The Strategy ensures that measures apply to all victims in a non-discriminatory manner, in accordance with Article 3 of the Council of Europe Convention against Trafficking in Human Beings – women, men and children, including persons with disabilities, whether subjected to transnational or national trafficking, regardless of the form of exploitation and the country where they were exploited.

In its previous strategy on gender-based violence and domestic violence (2021 – 2022), the CGBVDV highlighted the importance of reducing “the risk of secondary victimisation of victims of GBV & DV and to protect the rights and interests of victims” by ensuring “that police stations and courts are equipped to address and cater for the intersectional element of GBV & DV, such as migrants and persons with a disability”.

Over the past years, the Malta Police Force has invested a great deal of resources to improve the working environment in many key police stations and thus ensuring that such police stations are better equipped to cater for persons with disabilities who want to file a report.

With regards to migrants, as with all victims, the services of interpreters are available free of charge. With regards to persons with disability on matters of accessibility, Court Halls comply with standards of physical accessibility.

Moreover, to strengthen the response towards GBV amongst women, especially migrant women, twenty-five healthcare professionals from Primary Healthcare, Mater Dei Hospital and also management have attended multi-agency training organised by the Commission..

Sessions on Emotional Wellness were also organised for the migrant community including awareness on GBV and DV.

The National Strategy on Gender-Based Violence and Domestic Violence (2023 – 2028) also includes measures aimed at protecting and supporting victims of GBV & DV with a migrant background. Barriers and solutions to address them will be discussed through consultation with equality bodies (National Commission for the Promotion of Equality, Commission for the Rights of Persons with Disability). Areas of social policy that these discussions will include are lifelong learning, employment, housing, health, and social security, since we recognise that support and protection does not end when the relationship with the perpetrator ends but it needs to be sustainable.

Malta introduced legislation to combat human trafficking in virtue of Act III of 2002. Ever since the introduction of the offence of human trafficking into Maltese penal law, as amended over time, the Police have sought out and brought to justice whomsoever may have been suspected of engaging in human trafficking. Measures are also taken to protect all victims without distinction. From 1st October 2021 onwards, the responsibility for prosecuting human trafficking shifted to the Office of the Attorney General, which is Malta's specialised prosecution service. There can be no doubt that without investigation (which is handled by the Police) and without prosecution (handled by the Office of the Attorney General), the fight against human trafficking would be missing essential elements. Other measures which may be taken or may have to be taken which address prevention of human trafficking do not fall within the remit of the Office of the Attorney General, which as a prosecution service, handles only prosecution. The prosecution of these offences takes place with an emphasis on protecting all victims, without distinction.

Internally, the Office of the Attorney General has its own strategy in relation to human trafficking offences, the aims of which are:

- That investigations result in prosecutions, and ultimately, convictions;
- Higher-quality investigation and higher-quality prosecution to effectively combat human trafficking;
- Ensuring that the assets of the accused person/s and proceeds of crime are not dissipated, so as to ensure confiscation, based on the principle that crime does not (or should not) pay;
- Co-operating and co-ordinating the actions of the Office of the Attorney General with those of the Police and of foreign counterparts in order to ensure seamless operation.

Moreover, the Office of the Attorney General has specialised prosecutors who are tasked to prosecute THB offences as well as SOPs with the Police.

When it comes to the protection of victim-survivors, and assuming that criminal proceedings against perpetrators have been initiated, the Prosecution will always ask for a protection order in favour of the victims together with the protections mentioned in the Victims of Crime Act. As for the prosecution of perpetrators, the Office of the Attorney General ensures that as speedy a prosecution as possible is conducted. Furthermore, the Office of the Attorney General has a number of prosecutors who are specialised in the field and who receive regular training on dealing with human trafficking cases.

- **Outline challenges faced and remaining gaps in implementation as well as opportunities for scaling up and replication:**

Human trafficking cases often involve transnational networks and organised crime, making investigation and prosecution challenging. There could be difficulties when it comes to identification of victims.

Oftentimes, cases of human trafficking go unreported for reasons that could be fear and stigma associated with being a victim. Victims are more often than not, afraid to speak up and seek help from the authorities and therefore the challenge comes with no question, however in Malta there are several NGOs who will offer a helping hand to these victims, and it is them who may refer them to the investigators which will ultimately lead to deciding whether there is a case to answer and proceeding with a prosecution against the perpetrator. One cannot stress enough that if NGOs do not report suspected trafficking to the Police, the matter will probably never come to the Police's attention and will thus not be investigated. If a matter is not investigated, it will certainly never advance to prosecution stage. There is also the issue of resource constraints.

Most victims lack information on how to access support, most often in a time when their emotional wellbeing is weak. To this effect, the Victim Support Agency (VSA) led an ongoing campaign on victims' rights and also did produce a national victim support line to facilitate access to support services. These services vary from emotional support to the dissemination of important information, including Information on Police Report and free legal advice. The agency tends to deviate from secondary victimisation by paving the way for service users to seek direct services and support the person/s during the post-traumatic event.

The National Strategy on Gender-Based Violence and Domestic Violence (2023 – 2028) is still in its infancy but it provides a vision for the future.

• **Outline the Impact of measures taken, and results achieved:**

There will be strengthened multi-agency co-operation with the new soon to be launched Strategy and Action Plan on Combatting Trafficking in Human Beings in Malta.

The adoption of a multidisciplinary approach has reduced the risk of secondary victimisation and eased access to support services. Results show more victims reaching out to the agency and other entities, well connected to the agency in order to receive support and the number continues to increase over time.

- When testifying in Court vulnerable witnesses are offered special accommodations, such as the presence of support person/s such as child advocates (in case of children), social workers and/or psychologists.
- The witness will enter the Court from a different entrance than that of the perpetrator.
- Most of the halls are equipped with video-link where it allows children to testify in a separate room/building, while their testimony is broadcasted to the courtroom.
- All halls are equipped with video-conferencing.
- The Magistrate or Judge will explain to the witness what to expect.
- During legal proceedings involving a vulnerable witness (or victim), both the defence and prosecution would have the opportunity to present questions to the magistrate or judge. The magistrate or judge would then wear headphones to hear the question and subsequently relay it to the child witness. This process ensures that the child witness

is protected and shielded from direct questioning by the parties involved in the case. It allows for a more controlled and sensitive environment when obtaining testimony from a child witness. The magistrate or judge acts as an intermediary, ensuring that the questions posed to the child are appropriate and in accordance with legal procedures.

- The witness will then ask to identify the defendant/accused in a way that the accused will not see him/her.

Accessibility for persons with disability and migrants has improved in areas of protection, support and prosecution.

- **Outline the Monitoring and evaluation framework adopted:**

The VSA launched a new strategy based on the experience gained over the last three years since its entry into force. A study was also commissioned in order to analyse the multi-agency approach available in Malta in the field of Victim Support. It showed the need to adopt a victim-centre approach across all services and the need to invest more in preventive techniques, immediate response and ultimately follow up support.

The CGBVDV is responsible for monitoring and evaluation of the Istanbul Convention as established in Article 10 of Chapter 581 of the Laws of Malta.

Insofar as the Office of the Attorney General is involved, prosecutors within the Office regularly review the effectiveness of protection mechanisms requested during the course of the prosecution and if and when appropriate, request changes thereto. However, legal assistance to victims/survivors is not within the remit of the Office, which as stated, is purely a prosecution service.

- **Outline the Budgets allocated for implementation:**

The government hasn't earmarked a specific budget for this initiative; however, a substantial sum is being injected nonetheless.

- **Outline the Collaboration with relevant stakeholders:**

The Upcoming National Strategy and Action Plan on Combatting Trafficking in Human Beings in Malta (2024-2030) identifies lead and supporting stakeholders for the implementation of each strategic goals and its objectives. In turn, this ensures that a holistic approach is adopted to enhance collaboration on a national level.

The GBVDV Inter-Ministerial Committee as already been previously mentioned. Moreover, Health Care Professionals and the Migrant Health Liaison Officer have also been providing training to the multi-agency training participants.

The VSA has signed different collaboration agreements with Governmental Entities and NGO's, all focusing on a common referral system for service users and the need to exchange experience and expertise in Victim Support Services.

The Office of the Attorney General works hand-in-hand with the Police in order to ensure that the fruits of the investigation are brought before the Courts by way of prosecution. Any measures which may be needed to protect victims during the course of the prosecution are discussed between the Office and the Police prior to the start of the prosecution, and requests to the Court are made accordingly. Adherence to the orders of the Court is monitored by the Police, who would then keep the assigned prosecutor informed.

QUESTION 5:

Provide information on multi-sectoral services for victim-survivors of trafficking including any available data on access to such services.

Information about services for victim-survivors is available and constantly updated on the HRD website and social media.

In the main acute public hospital- Mater Dei Hospital (MDH), clinicians are sensitised to discuss any potential victim-survivors with the social worker team within the hospital. These in turn work in liaison of the human trafficking branch within FSWS and are able to direct the victim-survivor to any additional support or services which are required.

Any victims of crime can request to be assisted with State funded legal aid services. At their request, a victim will be assigned a legal aid lawyer for advice and if necessary, another legal aid lawyer for Court representation for Court proceedings.

- **Outline the Impact of measures taken, and results achieved:**

This multi-agency action allows for a victim-centred approach where the professionals all work together to make the experiences of the victim-survivor at the point of detection and protection as seamless as possible providing the victim-survivor with information and support as necessary.

The VSA acts as a national contact point (a one stop shop) for victims of crimes and survivors. As per the latest internal strategy launched, the VSA has dedicated a whole pillar on support which tends to re-group survivors and helping them out to regain their former quality of life.

- **Outline the Monitoring and evaluation framework adopted:**

A set of measures have been adopted to address the Support Pillar within the recently launched strategy. These are monitored on monthly basis.

- **Outline the Budgets allocated for implementation:**

The government hasn't earmarked a specific budget for this initiative; however, a substantial sum is being injected, nonetheless.

- **Outline the Collaboration with relevant stakeholders:**

MHA collaborated with the human trafficking branch within FSWS to direct the victim-survivor to any additional support or services which are required.

VSA has Memoranda of Understanding MoUs in force.