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**Reply from Malta**  
**to the Questionnaire for the evaluation of the**  
**implementation of the Council of Europe Convention on**  
**Action against Trafficking in Human Beings by the Parties**

**Second evaluation round**  
**(Reply submitted on 21 October 2015)**

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The Maltese authorities have agreed to the publication of this reply.

GRETA - questionnaire for the second evaluation round

Questions	Entity Responsible	Reply
<p>1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:</p> <ul style="list-style-type: none"> <li>- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);</li> <li>- any changes in your country's laws and regulations relevant to action against THB;</li> <li>- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the</li> </ul>	<p>MHAS</p>	<p>Besides the cases of sexual exploitation encountered during the past 2 years, 2 cases of domestic servitude were found, the first of this kind. One case was taken to court and is still sub judice. The victim in the other case did not wish to proceed in court against her ex employers. The first case of trafficking for labour exploitation was encountered. This case is currently sub judice and 9 female Vietnamese and 1 Chinese national were the identified victims, who are still in Malta.</p> <p>Two female Nigerian women are also currently being supported and treated as potential victims of human trafficking identified through the migration stream. The potential exploitation</p> <p>In December 2014 the Criminal Code was updated in order to comply with changes reflecting the transposition of Directive 2011/36 EU on trafficking in persons. Furthermore the Victims of Crime Act which came into force in April 2015 transposing Directive 2012/29 EU also includes measures for transposing measures mostly relating to rights and access to services and support to victims of human trafficking. Specific measures featuring in this law pertain to minors and unaccompanied minors victims of human trafficking.</p> <p>Administrative measures to transpose the remainder of the Directive on Human Trafficking are set in the form of Standard Operating Procedures built upon the National Referral Mechanism.</p> <p>The set-up which draws up, coordinates and implement action against THB, remains the same. At inter-ministerial level the Anti Human Trafficking Monitoring Committee, set up by the Prime Minister</p>

<p>involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;</p> <ul style="list-style-type: none"><li>- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).</li></ul>		<p>in 2011 acts as the mechanism for drawing up and monitoring the implementation of the national anti-trafficking strategy, policy and activities.</p> <p>At operational level the Stakeholders Task force is responsible for co-ordinating efforts in this area. The Task Force provides an opportunity for stakeholders to meet and coordinate efforts. A concerted effort results in more investigations and prosecutions, as well as better assistance victims and potential victims as well as greater awareness amongst general public. For these reasons the number of stakeholders supporting national policy and strategy against human trafficking was widened in order to incorporate as many stakeholders as possible. Thus including also the Visa Unit, the Department of Industrial and Employment Relations amongst other. The involvement of the Jesuit Refugee Services has been very prominent in the identification as well as support to victims of human trafficking.</p> <p>The Third National Action Plan on Human Trafficking was published in January 2015 to cover action until December 2016. Action during this period shall be targeting human trafficking for the purpose of labour exploitation. Thus training for stakeholders, Community Workers, Ambassadors and Diplomats provided in July 2015 concerned this theme. The International Organisation for Migration (IOM) was contracted for a second project by the Ministry for Home Affairs and National Security to provide professionals to deliver training and also assist in the awareness campaign. During this period, as a continuation of the training provided for 150 Ambassadors and Diplomats a brochure shall be published, in different languages to be disseminated by the Diplomats and Consular Officers from their offices to persons who wish to come to work in Malta. The brochure contains information</p>
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		<p>about labour conditions and wages in Malta as well as awareness about exploitation and information where to call for assistance.</p> <p>A research is also in plan to be conducted during the coming year (2016 amongst women and minors in Open Reception Centres in Malta. With a view to obtaining information concerning their current situation and plans for the future. <a href="#">[A copy of the National Action Plan is attached as Annex 1]</a></p>
<p>Gender equality (Articles 1.1.b, 5.3 and 17)</p> <p>2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?</p>	MHAS	<p>The fight against THB has always been conducted with awareness with gender related issues. Indeed given that for many years cases of THB involved women, the local authorities are better oriented on identification of women in HT situations.</p> <p>The Ministry for Home Affairs and National Security shall participate as partner with the National Commission for the Promotion of Equality (NCPE) in a transnational project under the Daphne Programme to combat sexual harassment and sexual violence against women and girls.</p>
<p>Non-discrimination (Article 3)</p> <p>3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?</p>	MHAS	<p>Maltese legislation concerning human trafficking is applied regardless of ethnicity or nationality. Each case is assessed on its merits. The overwhelming majority of human trafficking victims identified were third country nationals.</p>
<p>4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?</p>	MHAS	<p>The Jesuit Refugee Services including the UNHCR representatives have access to irregular migrants arriving in Malta. The Refugee Commissioner is also aware of the possibility of indicators of human trafficking amongst the migrant population who request asylum in Malta. Professionals from these entities are provided with training by Government from time to time in order to know about indicators for the identification of potential victims as well as the national referral mechanism to be able to assist any potential human trafficking victim they</p>

		may encounter.
5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?	MHAS	Any male victim or potential victim encountered is provided with the support and assistance as required.
Training of relevant professionals (Articles 10 and 29) 6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.	MHAS	Training has been provided to professionals from all entities involved in HT issues. Training was organised and funded by the Ministry for Home Affairs and National Security in cooperation with the Anti-Human Trafficking Monitoring Committee, made up of high ranking officials from relevant Ministries. Training this year was on labour trafficking in view of the fact that locally there is comparatively limited experience in this area. Further details about training can be found in reply to question 1 point 3.
Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30) 7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.	MHAS	Cases of child trafficking are addressed by the same entities responding to HT issues however officials working with children are sensitive as well as professionally and academically trained in child related issues.
8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment for them, including through: a. ensuring registration of all children at birth, in particular	MHAS	Vide reply to Article 23(1) for transposition purposes. The Police web portal is one of the medium used to raise awareness against these heinous offences.  Moreover the office of the Commissioner for

<p>from socially vulnerable groups;</p> <p>b. raising awareness of THB through education;</p> <p>c. training professionals working with children.</p>		<p>Children, set up through the Commissioner for Children Act (Cap 462) provides on an ongoing basis various education and awareness programmes/seminars such as:</p> <ul style="list-style-type: none"> <li>(i) Be Smart Online;</li> <li>(ii) Seminar on portrayal of children in the media;</li> <li>(ii) Online Safety for children;</li> <li>(iii) Digital competence; and</li> <li>(iv) Internet safety amongst other.</li> </ul> <p>The portal of the Commissioner for Children can be accessed on: <a href="http://ww.tfal.org.mt/aboutus.aspx">ww.tfal.org.mt/aboutus.aspx</a></p> <p>In particular the Be Smart Online Project is aimed at increasing awareness on the safe use of the internet by minors. The project is coordinated by the Malta Communications Authority and includes Agenzija Appogg, the Commissioner for Children, the Directorate for Educational Services, the Secretariat for Catholic Education and the Malta Police Force.</p> <p>The Executive Police and Agenzija Appogg recognize the importance of promoting training programmes in child protection. In accordance with Measures 4.1 and 11 of the 2007 Protocol Regarding Child Protection Cases these two entities are bound to establish joint training programmes on child abuse issues that is to: “provide educational programmes and initiatives to raise awareness of the need to promote the safety, welfare and well being of children and the skills required to respond appropriately” and the Child Protection Services of Agenzija Appogg also have the duty to inform and educate children of their rights to be protected from abuse.</p> <p>In addition to the above measures, SOP13 of the Standing Operating Procedures 2011/36/EU &amp; 2011/93 relating to Child Victims includes an obligation on officers to participate in training programmes which</p>
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		<p>have the aim of identifying and dealing with child victims and potential child victims of sexual abuse or exploitation.</p> <p>A local NGO Kopin Malta participated as partner in an EU anti-trafficking funded project titled CATCH &amp; SUSTAIN – European Cross-Actors Exchange Platform for Trafficked Children on Methodology Building for Prevention and Sustainable Inclusion.</p> <p>The project had amongst other the following objectives:</p> <ul style="list-style-type: none"> <li>- to improve the knowledge on children groups at risk for human trafficking;</li> <li>- to train multi-professional staffs (introducing preventive methods based on identification and risks assessment, empowerment and a life-skills education approach and data collection through a participatory research;</li> <li>- to strengthen networks within civil society organisations, service providers of the child protection systems, police forces, judiciary departments to support the establishment of stable local multi-agency coordination platform targeted to anti-trafficking prevention and intervention to protect children.</li> </ul> <p>Hence various professionals including police officers who encounter children during their call of duty were provided with three days of training in this regard. An officer from the Ministry for Home Affairs and National Security also delivered training on child trafficking and child trafficking indicators to participants in this project.</p>
<p>9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person</p>	<p>AVAS</p>	<p>When age is uncertain, an age assessment is conducted using a semi-structure interview tool by a team of professionals. The benefit of the doubt is used widely and only in cases where it is clear that</p>

<p>is a child. Would such a person be presumed to be a child until the age verification is completed?</p>		<p>the person is an adult and the person continues to insist minority age, that the person is referred for and hand and wrist x-ray. Such medical result is referred back to the age assessment team and is taken into consideration within the wider psychosocial assessment. The person is presumed to be a child.</p>
<p>10. What steps are taken in your country to ensure that the rights of the child and his/her best interests are duly taken into consideration, in particular when it comes to:</p> <ol style="list-style-type: none"> <li>a. identification of child victims of trafficking;</li> <li>b. appointing a legal guardian, organization or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;</li> <li>c. locating the child's family;</li> <li>d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;</li> <li>e. access to appropriate and secure accommodation, education and health care;</li> <li>f. issuing residence permits for child victims of trafficking;</li> <li>g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;</li> <li>h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their</li> </ol>	<p>AWAS</p>	<p>AWAS</p> <p>Unaccompanied children are protected with a Care Order (Children and Young Persons Care Orders Act - Cap. 247), that protects the child and allows for his or her individual needs to be taken into account and seen to. Each child then has a care plan seeing to ensuring the appointment of a legal guardian, tracing the family, ensuring health, education needs; secure environment, counselling etc. always according to the best interest determination of the individual child. The care order means that the care and custody of the child falls with the minister for Family and Social Solidarity.</p> <p>Appogg Agency</p> <p>The national social work agency, APPOGG Agency, strives in its work to ensure the best interests of the child. To date, the agency has only had one teenage victim of HT. The agency's staff from the child protection, community services and other services, has over the last few years been exposed to training specific to, and or which incorporated the subject of identification of child victims of trafficking. These were delivered by a local N.G.O., by the name of KOPIN, under an EU project aimed at delivering a tool to be used by professionals in working with child victims of HT; and by trainers from the Brussels IOM office, through a training programme funded by the Ministry of Home Affairs. The primary aim of the training was to enhance the professionals' skills in the identification of child victims of HT, and sensitize them further as to the</p>



<p>country of origin, and ensuring the child's safe return in accordance with the best interests of the child;</p> <p>i. special protection measures for children.</p>		<p>needs and rights of these victims.</p> <p>Unaccompanied minors are already automatically placed under a Ministerial Care Order, once the age of the minor has been verified; and the Minister is the legal guardian through the respective agency/ies that fall under his/her portfolio. This would also be the case in the situation of unaccompanied minors being victims of HT. APPOGG agency, also has legal representatives that along with the agency's professionals act in the best interests of the child.</p> <p>APPOGG agency works with International Organization Migration office (IOM), with International Social Services (ISS), with Interpol through the local police, and with other entities if need be, such as, Red Cross, 'Save the Children', and Embassies/High Commission's (if the latter are deemed safe and reliable).</p> <p>The Maltese Public Broadcasting Authority protects minors by not making the names of child victims public.</p> <p>Child victims of trafficking would have access to an emergency shelter, Church run Homes for Children and Foster families (if there are placements available, especially in the latter two). They would also have access to the universal provision of Health and Education.</p> <p>For unaccompanied irregular immigrant minors :</p> <p>These would be issued upon the recommendation of the Malta Police Force's Principal Immigration Officer, upon the request of various professionals working</p>
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		<p>with the victim.</p> <p>APPOGG agency which at present makes up part of a Foundation for Welfare Services, utilizes its Psychological and Family Therapy services, o those of a N.G.O's. if a child victim requires counselling. As far as is possible interpreters in the child's language are used, if these exist. As mentioned above, the agency's legal representatives represent the legal needs and rights of the child.</p> <p>There is a risk assessment fom available to the agency's professionals who work in the area of HT, in order to carry out a risk assessment. AS previously mentioned, the agency's professionals would work with IOM, ISS, Embassies/High Commissions (where deemed appropriate), among other entities, to ensure child's safe return home.</p> <p>These include, emergency, secure accommodation; video-conferencing in Court, among others.</p>
<p>11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?</p>	<p>AWAS</p>	<p>Within the age assessment process and even thereafter, that is, when a Care Order is issued and the child is followed by a social worker, human trafficking indicators are part of the assessment process. Care team staff has been trained to be sensitive to this risk. The fact that each child is followed by a social worker is a preventive measure. There have been no cases on non-voluntary return.</p>
<p>12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's</p>	<p>AWAS</p>	<p>No specific programmes/services for the (re)integration of child victims of trafficking.</p>

best interests?		
<p>Definitions (Article 4)</p> <p>13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.</p>	POLICE	Lack of clear criminal definition on the elements of labour exploitation. A key challenge is the practical and legal distinction between trafficking and poor working conditions.
<p>14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.</p>	POLICE	<p>We do have a definition of a vulnerable person in accordance with article 208AC(2) of the Criminal Code which reads as follows:</p> <p>(2) For the purpose of this article a vulnerable person means:</p> <p>(a) any person under the age of fifteen years; or</p> <p>(b) any person suffering from a physical or mental infirmity; or</p> <p>(c) any other person considered by the court to be particularly at risk of being induced into cooperating with the offender or into surrendering to the offender's will when taking into account the person's age, maturity, health, pregnancy, disability, social or other conditions including any situation of dependence, as well as the physical or psychological consequence of the offence on that person.</p>
<p>15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.</p>	AG	<p>With regards to adoptions according to article 248DA of the Criminal Code the law punishes anyone acting as an intermediary to entice third parties whose consent is required by law to allow the adoption of a child when the intention of such intermediary is that of human trafficking of the said child. Moreover whilst we don't have a specific provision dealing with forced marriages with regards to human trafficking offences, article 248A(1)(e) which lays down the purposes of human trafficking includes any other unlawful activities not specifically provided</p>

		for elsewhere under this sub-title which hence doesn't exclude its application with regards to forced marriages. So far we have not encountered cases of forced marriage or illegal adoptions in the context of THB.
16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?	AG	Forced begging is in fact one of the stipulated purposes in our law. Article 248A(1)(d) enlists activities associated with begging as one of the purposes of THB in our Criminal Code. So far no cases of child trafficking for forced begging as described have been reported.
17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.	AG	Whilst we don't have a specific provision dealing with this as a purpose of human trafficking offences, article 248A(1)(e) which lays down the purposes of human trafficking includes any other unlawful activities not specifically provided for elsewhere under this sub-title which hence doesn't exclude its application with regards to the exploitation of criminal activities. <span style="color: red;">[requested further explanation to GRETA]</span>
Prevention of THB (Article 5) 18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.	MHAS	<span style="color: red;">[A copy of the training evaluation is attached as Annex 2]</span>
19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.	MHAS	The Ministry for Home Affairs and National Security, responsible for the implementation of national policy in this area funds research on THB. The first such research was conducted in 2012 however a second research is planned to be conducted in 2016. This will also be funded by the Ministry for Home Affairs and National Security through the IOM Project. Results from the first research were evaluated and thus the second research shall build upon the first one. The second research shall consider

		<p>Prior to this reporting period the Ministry responsible for Home Affairs commissioned a study among the irregular migrant population, in order to assess the vulnerabilities to potential human traffickers. The study concluded that whilst there is a risk no conclusive evidence of human trafficking among this population was found.</p> <p>It is envisaged that further research would be carried out in 2016 as part of the third Human Trafficking National Action Plan. Results from the first research were evaluated and thus the second research shall build upon the previous one. Consequently the second research shall be conducted amongst minors and women in Open Reception Centres with a view to obtaining information concerning their plans for the future, as well as about their current situation, especially:</p> <ul style="list-style-type: none"> <li>- employment and/or training/education;</li> <li>- about their social life in Malta; and,</li> <li>- about their contacts in other European countries, including family members and friends.</li> </ul>
<p>20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?</p>	<p>MHAS</p>	<p>We do not consider that lawful migration necessarily prevents THB for it is known in both Malta and other countries that regular migrants become victims of THB. Malta therefore seeks to address this issue through awareness raising with the authorities and in fact has also raised awareness of trafficking risks among Consuls and Diplomats in foreign missions.</p>
<p>21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:</p> <p>a. the legislation and regulations</p>		<p>The Ministry for Energy and Health are in the process of drafting an act addressing and better regularising organ donation in Malta. It is planned that part of this same act shall address organ</p>

<p>on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;</p> <p>b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;</p> <p>c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.</p>	<p>MHAS</p>	<p>trafficking. In fact draft text was included to make provisions for substantive articles of the Council of Europe Convention against Trafficking in Human Organs. In addition the Criminal Code shall also be amended in order to become in line with measures prescribed by the said Convention.</p> <p>The National Action Plan on Human Trafficking (2015 – 2016) envisages training for health professionals thus this subject would form part of training curriculum.</p>
<p>Measures to discourage the demand (Article 6)</p> <p>22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:</p> <p>a. educational programmes;</p> <p>b. information campaigns and involvement of the media;</p> <p>c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);</p> <p>d. involvement of the private sector.</p>	<p>MHAS</p>	<p>The authorities have continued delivering training to stakeholders working directly with victims. Moreover past legislative amendments sought to discourage demand for services delivered by trafficked victims by introducing penalties for the use of services of a trafficked victim. Moreover with a view to discouraging precarious employment Government has introduced sanctions against companies who employ workers with precarious conditions by means of a Legal Notice. With the new Legal Notice, companies who resort to precarious work will be black listed for between 6 months and 2 years, and will therefore be omitted from winning public contracts.</p>
<p>23. Please describe the measures taken in</p>		<p>The Employment and Training Corporation has designed</p>

<p>your country to prevent trafficking for forced labour or services, inter alia, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.</p>	<p>ETC</p>	<p>a Risk Based Approach to tackle the problem of employment for irregular immigrants and individuals who require an employment license. It identified a matrix with the highest risks being:</p> <ul style="list-style-type: none"> <li>i. Nature of work (highest being construction and entertainment such as hospitality);</li> <li>ii. age bracket of potential employees (most of the risk takers would be under the age of 35);</li> <li>iii. the area (or locality) within which the illegal employment is mostly recurring (highest risk being touristic areas);</li> <li>iv. Time of offence – ie the time wherein employment occurs (usually before 0500hrs and late evenings, after 2000hrs).</li> </ul> <p>Based upon this matrix the ETC performs 3 types of inspections:</p> <ul style="list-style-type: none"> <li>i. Specific Inspection by the ETC Inspectors (which are working upon flexi time and outside-office infringement risk;</li> <li>ii. Routine Inspections which are ongoing;</li> <li>iii. Joint Inspections with the Immigration Police which occur weekly based upon the Sanctions Directive.</li> </ul> <p>One must also include that ETC investigates other breaches of serious nature such as underage employment as well as registering whilst working. The general modus operandi for such investigations is based upon a Risk Based Approach in order to be more effective and eliminate fishing expeditions. Jurisdiction under either Chapter 217 or Subsidiary Legislation 217.14.</p> <p>Charges are as follows:</p> <ul style="list-style-type: none"> <li>1. Breaches against SL 343.23: Any employer who employs any person who is not a citizen of Malta, other than such person as may be in possession of a work permit, shall be guilty of an offence and shall be liable, on conviction, to a fine (multa) of not less than one thousand and one hundred and sixty-four</li> </ul>
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		<p>euro and sixty-nine cents (1,164.69) and not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37), and the Court shall, at the request of the prosecution and in addition to such punishment, order the suspension or cancellation of any licence held by the offender and relating to trade or business, or relating to any business premises where such person is employed. The provisions of the Probation Act shall not be applicable in respect of such offence.</p> <p>2. Breaches against Chapter 217: Any person who takes in his employment, or gives work to, any person who is not an exempt person and is not in possession of a licence granted to him for the purpose of such employment or work under the provisions of this Act, or otherwise aids or assists any person who is not an exempt person in the commission of an offence contemplated in article 23 shall be liable, on conviction by the Court of Magistrates, to a fine (multa) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, unless a greater punishment is established for such offence by another law.</p> <p>3. Breaches against SL 317.14: lifted from Directive 2009/52/EC</p>
<p>Border measures (Article 7)</p> <p>24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:</p> <p>a. identification of possible victims of THB in the context of border</p>	<p>IMMIGRATION POLICE</p>	<p>Border guards are trained both locally and abroad in order to identify possible victims of trafficking. This training incorporates the possible identification of perpetrators and best practices in gathering first-line information. Maltese border guards participated in Project Vega Children organized by Frontex and actively contributed to the resulting handbook.</p>



<p>control;</p> <p>b. identification of possible perpetrators of THB offences;</p> <p>c. gathering of first-line information from victims and perpetrators;</p> <p>d. identification of vulnerable persons in need of international protection among possible victims of trafficking.</p>		<p>Even though all border guards are aware of the possibility to file asylum claims, the identification of possible asylum seekers from amongst vulnerable persons is not their direct remit. All vulnerable persons and migrants who may need protection due to non-refoulement are referred to the Refugee Commissioner for his evaluation.</p>
<p>25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?</p>	<p>MHAS</p>	<p>It is not considered that airline staff is in any way well placed to detect THB. It is to be considered that most passengers reach Malta by air on relatively short flights of a maximum of three hours. The ferry which operates between Malta and Pozzallo in Sicily is of 1.30 hours duration therefore same applies. It is therefore not considered that this measure applies to the Maltese situation.</p>
<p>26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.</p>	<p>MHAS</p>	<p>Malta actively cooperates and exchanges information with other EU MS via the Schengen Information System (SIS). Moreover border control and other forms of police cooperate in place with third countries as well. Malta has also signed a number of police cooperation agreements.</p>
<p>Identification of the victims (Article 10)</p> <p>27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first</p>	<p>MHAS</p>	<p>A national referral mechanism has been in place since 2011. The bodies involved include government and non government entities, Government departments and Ministries and different police units. Such stakeholders can be either involved in the identification of victims or potential victims and subsequently refer for assistance and support as the case may be. Otherwise identify as well as provide assistance, support as well as safe shelter.</p>

<p>evaluation, please indicate any changes that have been made to it in the meantime.</p>		<p>Identification, assistance and support concern any type of exploitation.</p>
<p>28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?</p>	<p>MHAS</p>	<p>Stakeholders together with IOM had worked together during a training session and drawn up a list of indicators and clues for the identification victims of human trafficking being exploited in various forms. All stakeholders working in the area of THB are aware of the indicators. In addition training held in July this year covered indicators for labour exploitation. The list of indicators and clues were also published in booklet form with other related information such as the Standard Operation Procedures as a Hand Book for Professionals.</p>
<p>29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.</p>	<p>POLICE</p>	<p>There is no specific definition for "reasonable grounds", however, we look for indicators of victims of trafficking which include;</p> <ul style="list-style-type: none"> <li>(a) Inability to speak Maltese or English</li> <li>(b) Inability to indicate precisely place of residence/address</li> <li>(c) No identification documents in their possession/ absence of identification documents</li> <li>(d) Fear of the authorities, particularly the police</li> <li>(e) Person always accompanied, usually by someone speaking on his or her behalf/limited freedom of movement</li> <li>(f) Excessively long working hours</li> <li>(g) Overcrowded accommodation</li> <li>(h) Signs of people living at the workplace</li> </ul> <p>THB falls under the responsibility of the Vice Squad of the Malta Police Force. Identification of victims can result from victim statements (walk-in's), as a result of Police inspections in areas suspected to be linked to THB or prostitution, Immigration Police, Employment and Training Corporation (ETC), Department of Industrial and Employment Relations (DIER), Central Visa Unit</p>

		<p>(CVU), Department of Citizenship and Expatriate Affairs (CEA), Office of the Refugee Commissioner (REFOCM), NGO's who may have received a request for assistance from a victim, APPOGG (the social welfare agency) or from the general public.</p> <p>APPOGG has a liaison officer responsible for matters relating to human trafficking, who liaises with the Malta Police Force and other entities on pertinent cases. This officer also liaises with other professionals within the social welfare agency itself, particularly with regard to the identification, assessment and support to victims of trafficking.</p>
<p>30. What measures are taken in your country to encourage self-identification of victims of THB?</p>	<p>MHAS</p>	<p>It is considered that the awareness sessions delivered contribute towards self identification in the sense that stakeholders one being prompted about possible indicators of HT.</p>
<p>31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?</p>	<p>REFOCM</p>	<p>Persons who express their intention to make an asylum application in Malta are provided with the necessary information about the asylum procedure and are assisted to fill in the registration form. This is done in an atmosphere of trust as to make the person feel safe and secure to disclose his/her life story. The Office also notes that interviews with female applicants are conducted by female caseworkers and as much as possible with female interpreters.</p> <p>From past experience, the Office of the Refugee Commissioner notes that persons who are victims of trafficking are reluctant to disclose information even if there are indications that he/she has been trafficking and special assistance is provided during the asylum procedure. It is only at a later stage, many a times after the case has been finally determined, that the person approaches the Office and informs about the ordeal that he/she has been through. On the basis of new elements provided by</p>

		<p>the applicant, the Office of the Refugee Commissioner accepts such request as a subsequent application and further examines the merits to assess whether the person is in need of international protection.</p> <p>Regarding communication between different stakeholders, the Office refers the Standard Operating Procedures for the Maltese Referral Mechanism on Trafficking in Persons (TIP).</p>
<p>Protection of private life (Article 11)</p> <p>32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?</p>	<p>APPOGG</p>	<p>Social workers are bound by their professional code of ethics which includes strict adherence to confidentiality, unless there is harm to self or others.</p> <p>Also, in Malta, there is the Data Protection Act which covers the sharing, processing and storing of information as well the nature of information is being requested.</p> <p>Adult victims of human trafficking have a choice as to whether they cooperate with the police re reporting the crime they have been victims of. Social workers encourage them to do so, but the decision remains with the adult. The situation is different in the case of minors, where social workers would report to the police if the situation came to their attention in the first instance. The police can proceed 'ex-officio' in both the above-mentioned cases if they came to their attention first. There is no mandatory reporting in Malta.</p>
<p>Assistance to victims (Article 12)</p> <p>33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:</p> <ol style="list-style-type: none"> <li>a. funding;</li> <li>b. victim's safety and protection;</li> </ol>	<p>APPOGG JRS</p>	<ol style="list-style-type: none"> <li>a. Appogg has a limited budget for the service that works on cases of Human Trafficking.</li> <li>b. Appogg has an emergency shelter which offers emergency accommodation when victims of HT are at risk and or feel fearful of their traffickers. Victims may also be accompanied to Court by police escort if need be.</li> <li>c. The standard of assistance is of a high quality with workers being bound by policies,</li> </ol>

<p>c. standards of assistance and their implementation in practice;  d. access to medical treatment, psychological assistance, counselling and information;  e. translation and interpretation, where appropriate?</p>		<p>procedures and professional ethics .  d. Victims have access to universal medical care (e.g hospitals/health centres); and the limited budget ensures access to private medical care of general practitioners. The Foundation of Social Welfare Services, of which Appogg is part of, offers psychological assistance, which it attempts to fast track for such victims. However, if this is not immediately available upon need due to waiting lists, N.G.O's are approached.  Again, Appogg's limited funds are used or N.G.O's are approached, but, interpreters are not available in all languages.</p>
<p>34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?</p>	<p>POLICE</p>	<p>The fact that victims were given immediate attention, protection, reflection period and support from initial stages encouraged them to assist law enforcement in the investigations and subsequent prosecution.  Legal notice 175 of 2007 (Permission to Reside for Victims of Trafficking or Illegal Immigration who co-operate with the Maltese Authorities Regulations, 2007) stipulates that potential victims should be protected and given assistance, including legal, psychological and medical. In all cases, since the legal procedure was applied effectively, we can say that all victims felt encouraged to participate in investigations and prosecutions.   In the past months 14 victims of human trafficking were provided with a permission to reside. With this permit they were also allowed to work. In fact these were assisted by Appogg and JRS to find regular employment in Malta.</p>
<p>35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?</p>	<p>APPOGG</p>	<p>As mentioned above, Appogg has an emergency shelter. There is a protocol between the shelter and other Appogg services providing a service for adults and children. Individual Care Plans are made for each</p>

		victim/client. The Leader of the Shelter is a qualified social worker and psychotherapist who with her staff aim towards providing a therapeutic environment.
36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?	APPOGG	Upon referral of a victim of trafficking, the client is interviewed and requested to sign a consent form, which is a standard procedure in Appogg. Information is given about the 'reflection period' and extension of this upon cooperation with the police; among other information. Usually, an N.G.O's legal representative is involved in the majority of cases re rights vis-à-vis visas, work permits, residence permits, among others.
37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?	APPOGG	Appogg professionals continue to provide assistance if this is assessed as a need according to the individual client's care/action plan.
Recovery and reflection period (Article 13) 38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.	POLICE	<p>"Permission to reside for victims of trafficking or Illegal Immigration who co-operate with the Maltese Authorities Regulations" (S.L. 217.07) are deemed to be very relevant:-</p> <p>3. (1) When it appears to the Principal Immigration Officer that the third country national is co-operating with him in the fight against trafficking of human beings or, where applicable, against action to facilitate illegal immigration, he shall inform the third country national concerned of the</p>

		<p>possibilities offered under these regulations.</p> <p>(2) The Principal Immigration Officer may invite a nongovernmental organisation or another relevant association to give such information to the third country national concerned.</p> <p>(3) The Principal Immigration Officer shall grant a period of reflection, of not more than two months, with effect from the day when the information referred to in sub regulation (1) is given by the Principal Immigration Officer, for the third country national to detach himself from the influence of the perpetrators of the offence so as to enable him to take an informed decision on the possibility of co-operating.</p> <p>(4) During the reflection period the third country national shall not be removed from Malta: Provided that the reflection period shall not create any entitlement to residence under these regulations.</p> <p>(5) During the period of reflection, while due regard is had to his safety and protection needs, the third country national who does not have sufficient resources shall be provided with:</p> <ul style="list-style-type: none"><li>(i) the standards of living capable of ensuring his subsistence;</li><li>(ii) access to emergency medical care;</li><li>and, where applicable:</li><li>(iii) attention to the needs of the most vulnerable;</li><li>(iv) psychological assistance;</li><li>(v) translation and interpreting services;</li><li>(vi) free legal aid:</li></ul> <p>Provided that in the case where the third country national is a minor, he shall have</p>
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		<p>access to the public education system under the same conditions as Maltese nationals.</p> <p>(6) The period of reflection shall be terminated at any time by the Principal Immigration Officer for reasons relating to public policy or the protection of national security or if he establishes that the third country national concerned has actively, voluntarily and on his own initiative renewed contact with the perpetrators of the offences of trafficking of persons or facilitating illegal immigration.</p>
<p>Residence permit (Article 14)</p> <p>39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.</p>	<p>MHAS</p>	<p>If a person is illegally staying in Malta, such person will be issued with a return decision declaring that stay to be illegal and imposing an obligation to return. However the Principal Immigration Officer shall not issue a return decision where a third-country national staying illegally in Malta is granted a residence permit or a right to stay on compassionate or humanitarian grounds. This is provided for in Article 3(7) of the SL 217.12 Common Standards and Procedures for the Return of Illegally Third Country Nationals Regulations.</p> <p>The Principal Immigration Officer shall not issue a return decision where a third-country national staying illegally in Malta is granted a residence permit or a right to stay on compassionate or humanitarian grounds:</p> <p>Provided that where a return decision has already been issued, it shall be withdrawn or suspended for compassionate or humanitarian reasons and subject to the renewal of the above- mentioned residence permit or right to stay.</p>



<p>40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?</p>	<p>MHAS</p>	<p>Cooperation is understood as readiness to provide information to the police that may assist in the apprehension of the perpetrator.</p>
<p>41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?</p>	<p>MHAS</p>	<p>Reference is made to reply to questions 40 above which states that they would only have to provide information to the Police.</p>
<p>Compensation and legal redress (Article 15)</p> <p>42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:</p> <ul style="list-style-type: none"> <li>a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;</li> <li>b. access to free legal assistance and legal aid during investigations and court proceedings;</li> <li>c. compensation from the perpetrator;</li> <li>d. compensation from the state; s to victims of trafficking.</li> <li>e. compensation for unpaid wage</li> </ul> <p>Please provide examples of compensation awarded and effectively provided to victims of THB.</p>	<p>MHAS</p>	<p>(a) Article 6 of the Victims of Crime Act (Cap 539) of the laws of Malta provides the following:  1) A victim shall be notified without unnecessary delay of his right to receive the following information about the criminal proceedings instituted as a result of the complaint made by him and upon request, the victim shall receive information on:</p> <ul style="list-style-type: none"> <li>(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;</li> <li>(b) the time and place of the trial, and the nature of the charges against the offender;</li> <li>(c) any final judgement in a trial;</li> <li>(d) information enabling the victim to know about the state of the criminal proceedings, unless in exceptional cases the proper handling of the case may be adversely affected by such notification:</li> </ul> <p>Provided that in the circumstances cited in paragraphs (a) and (c) and unless in the case of a verdict in a trial by jury or where prohibited by law, the information shall include reasons or a brief summary</p>

		<p>of reasons for the decision concerned:</p> <p>Provided further that it shall not be necessary to furnish such information in cases where the victim, as injured party, has been served with the notice of first hearing or admitted into the proceedings as provided in article 410(4) and (5) of the Criminal Code.</p> <p>(2) A victim shall be offered the opportunity to be notified, without unnecessary delay, when the person escaped detention and of any relevant measures issued for his protection in case of release or escape of the offender.</p> <p>(3) A victim shall, upon request, receive the information provided for in sub-article (2) at least in cases where there is a danger or an identified risk of harm to him, unless there is an identified risk of harm to the offender which would result from the notification.</p> <p>Where the injured party, who has been served with the notice of first hearing or admitted into the proceedings as provided in article 410(4) and (5) of the Criminal Code, or in cases where the prosecution lies with the injured party, wishes to avail himself of the benefit of legal aid, the provisions of article 570 of the Criminal Code shall mutatis mutandis apply: Provided that, for the purpose of such proceedings, any reference in those provisions to the accused shall be construed as</p>
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	<p>being a reference to the injured party  (e) how and under what conditions the victim can access compensation;  (k) how and under what conditions expenses incurred as a result of the victim's participation in the criminal proceedings can be reimbursed.  (c,d) Moreover Article 12 (b) (i) of the same Act refers to:  information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial;</p> <p>(e) Article 5 (1) (a,b,c,) of the Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third Country Nationals Regulations (SL 217.17) makes provisions for compensation for unpaid wages and beyond.</p> <p>5. (1) An employer shall be liable, on conviction and in addition to any penalty imposed by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, to pay:</p> <p>(a) any outstanding remuneration to the illegally employed third-country national. The agreed level of remuneration shall be presumed to have been at least equivalent to the national minimum wage, unless either the employer or the employee can prove otherwise;</p> <p>(b) an amount equal to any taxes and social security contributions that the employer would have paid had the third-country national been legally employed, including penalty payments for delays and relevant</p>
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		<p>administrative fines;</p> <p>(c) where appropriate, any cost arising from sending back payments to the country to which the third-country national has returned or has been returned; and</p>
<p>43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?</p>	<p>POLICE</p>	<p>During a relative investigation, the identification, seizure, freezing and confiscation of assets procedure is applied in terms of article 23A et seq. of the Criminal Code of the Laws of Malta and/or articles 4, 4A, 4B, 5, 9, 10, and 11 of the Prevention of Money Laundering Act, Chapter 373 of the Laws of Malta;</p>
<p>44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.</p>	<p>AG</p>	<p>According to article 9(1) of the subsidiary legislation entitled Criminal Injuries Compensation (S.L.9.2), any person who is a citizen of a European Union Member state shall be entitled to compensation in accordance with the terms and procedures as laid down in the same Subsidiary legislation. Moreover article 9(2) of the said law also states that the claims officer shall also consider claims made by the victim of a crime, including violent international crimes which include THB as per the interpretation section of the said subsidiary legislation. This criteria does not appear to be necessarily attached to where the victim resides provided that same would follow the procedure established by this law and provided further that such claim for compensation is inherent from a criminal offence which has been reported without delay or prosecuted in Court. However saving those instances concerning EU nationals it is up to the discretion of the Claims officer to decide whether or not to consider such an application for compensation apart from the fact that in all cases</p>

		the claims officer may decide not to award compensation or to diminish the quantum compensated by virtue of article 10 and 11 of the same subsidiary legislation. If on the other hand compensation has been ordered by a court of law then the claims officer will proceed to pay compensation always subject to the provisions of the said regulations (SL 9.12).
<p>Repatriation and return of victims (Article 16)</p> <p>45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (non-refoulement principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?</p>	APPOGG	<p>Appogg works with International Organization of Migration and Interpol through the police, as well as with International Social Services (if there are representatives in the country of origin of the victim), to ensure that voluntary return is safe and dignified and observant of the victim's rights. Appogg has a risk assessment form available based on the U.K. model to assess risk.</p>
<p>46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?</p>	POLICE	No such case was ever encountered.
<p>Corporate liability (Article 22)</p> <p>47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors</p>	AG	<p>Corporate Liability in THB cases is regulated in our criminal law in accordance with Article 248E(3) which cross refers to article 121D of the Criminal code dealing with corporate criminal liability. Moreover according to subarticle (4) of the same provision: Where the person found guilty of any of the offences under this sub-title -</p>

<p>throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.</p>		<p>(a) was at the time of the commission of the offence an employee or otherwise in the service of a body corporate, and  (b) the commission of the offence was for the benefit, in part or in whole, of that body corporate, and  (c) the commission of the offence was rendered possible because of the lack of supervision or control by a person referred to in article 121D,</p> <p>the person found guilty as aforesaid shall be deemed to be vested with the legal representation of the same body corporate which shall be liable to the payment of a fine (multa) of not less than ten thousand euro (€10,000) and not exceeding two million euro (€2,000,000).</p> <p>Trafficking corporate liability applies to and hence it is also There is no distinction in the law as to which form or purpose of Human applicable in matters concerning forced labour or service amongst others. A relevant case in this regard is Police vs Han Bin et which case is currently still pending in Court, whereby the prosecution applied corporate criminal liability in order to accused both Han Bin and Jia Liu of the exploitative forced labour of some of their employees in a factory located in Malta.</p>
<p>Aggravating circumstances (Article 24)</p> <p>48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.</p>	<p>MHAS</p>	<p>No such cases were encountered since the previous evaluation.</p>
<p>Non-punishment provision (Article 26)</p> <p>49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the</p>	<p>AG</p>	<p>According to article 248E(6) of the Criminal Code:</p> <p>(6) The offences committed under this sub-title (THB) shall not be liable to punishment if the offender was compelled</p>

<p>relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.</p>		<p>thereto by another person where the provisions of article 33(b) do not apply.</p> <p>Article 33(b) refers to instances when individuals are coerced to commit an offence and in which case one would be excluded from criminal responsibility. Now the wording of the above quoted provision ensures non-punishment with regard to THB if the victim is compelled to perform illegal acts in the ambit of THB and this irrespectively of whether or not coercion applies.</p>
<p>Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)</p> <p>50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.</p>	<p>AG</p>	<p>Owing to the principle of territoriality of jurisdiction as well as article 5 of the criminal code, Malta has jurisdiction over anyone irrespectively of their nationality committing an offence in the territory of Malta. If a complaint is lodged abroad by the victim this would be notified to the central authority in Malta and depending of the location of such country of residence, an EAW or Extradition proceedings can be conducted unless it is considered more beneficial for the country of residence to prosecute themselves instead.</p>
<p>51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:</p> <ol style="list-style-type: none"> <li>a. setting up specialised investigation units and the number of staff involved;</li> <li>b. exchange of information with, and obtaining evidence from, other parties;</li> <li>c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can</li> </ol>	<p>POLICE</p>	<ol style="list-style-type: none"> <li>a. In the majority of the cases, the Vice Squad is the unit specialised to investigate, however other specialised units like the Money Laundering Unit will assist in the identification, seizure, freezing and confiscation of the perpetrators' assets;</li> <li>b. As well-known, this type of criminal activity is considered transnational and organised. Thus, it is quite evident that information between national institutions, bodies, agencies, etc... is exchanged to obtain the maximum possible information, and surely not the least, with other States to obtain and share information using the Europol, Interpol and Eurojust channels, and/or when applicable,</li> </ol>

<p>also be applied in cases not related to organised crime;</p> <p>d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;</p> <p>e. financial investigations to disrupt criminal money flows and ensure asset recovery;</p> <p>f. use of joint investigation teams (JITs).</p>		<p>to apply the international measures of mutual legal assistance in criminal matters, and/or the Asset Recovery Office(s) in specific to identify, trace, seize, freeze, and at the end, confiscate asset(s);</p> <p>c. Surveillance and observations, and information gathered from informants/contacts is legally permitted. In regards to such cases, control delivery can be exercised under the Attorney General authorisation; And wire-tapping is not a tool that can be freely used by the Executive Police, but a specific special request has to be made to the competent ministerial authority prior to its use. Nonetheless, information could be obtained from the national service provider(s) such as but not limited to Call/SMSs and localisation profiling and service(s) provided - if such data is still available and kept by the legal service provider(s);</p> <p>d) In regards to such defined cases, the specialised unit, Cyber Crime, will be involved at the initial stages, and the internet identified websites will be monitored and further action will be taken if irregularities will be identified; The Police Cyber Crime Unit's main role is to provide technical assistance to investigators during ongoing criminal investigations. Such technical assistance includes (but is not limited to): preservation of content found on internet websites, enquiries with service providers, collection of digital evidence and forensic analysis of computers. Thus, investigating teams have access to specialized technical staff within the Police Force in order to aid them in investigations concerning criminal activity being perpetrated through the internet.</p> <p>Furthermore, it must be pointed out that the Police Cyber Crime Unit manages a Child Abuse Internet Filter. This crime-prevention initiative, which has</p>
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		<p>been in place since 2009, blocks local internet users from accessing internet websites which are being used to disseminate child abuse material by directing them to a 'STOP' Page. The list of internet websites being filtered through this initiative, managed by the Cyber Crime Unit, includes INTERPOL's "Worst Of" List (MOL). All Maltese Internet Service Providers have agreed to participate in this voluntary initiative with a Memorandum of Understanding being signed by all participating Internet Service Providers.</p> <p>e) THB is a well-known criminal scenario that generates immediate financial gains – to seize and freeze funds, an application for the issue of an investigation and attachment order is referred to the Attorney General Office for onward reference to the Criminal Order to accord and issue such order(s) specifically to ensure and secure illicit funds from being used by the offenders. These measures are applied in terms of the provision of the Criminal Code and the Prevention of Money Laundering Act, Chapter 373 of the Laws of Malta;</p> <p>In terms of article 435E et seq. Of the Criminal Code, Chapter 9 of the Laws of Malta, the Attorney General [quote], "may authorise the competent authorities of another country to conduct in Malta, jointly with or under the supervision or direction of the Executive Police, investigations into criminal offences by officers acting under covert or false identity, provided that the Attorney General is satisfied of the true identity and official capacity of the officers in question and is fully informed of the nature of any documents which purport to guarantee certify or authenticate the false identity assumed by any such officers";</p>
52. Have you had any cases or suspected cases of THB for the purpose of the removal		No such case was encountered so far in Malta

<p>of organs? How did investigations take place in such cases and what special investigation techniques were used?</p>	<p>MHAS</p>	
<p>Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)</p> <p>53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.</p>	<p>POLICE APPOGG JRS</p>	<p>Appogg professionals can apply to have video-conferencing made available to victims; and make Court Applications for protection orders. NGO assistance is mainly through legal representation. Appogg Social workers and or social support workers can accompany the clients to Court for support. None of the cases so far known to Appogg have required special protection measures; but not many clients/victims choose to go to Court. Victim protection in Court is not always easily available.</p> <p>The Criminal Code has certain provisions which deal with the protection and the rights of witnesses and victims.</p> <p>According to Section 410, during any proceedings instituted by the Executive Police on a complaint of the injured party (the victim), it is lawful for the complainant to be present at the proceedings, to engage an advocate or a legal procurator to assist him, to examine or cross-examine witnesses and to produce, in support of the charge, such other evidence as the court may consider admissible. With regard to witnesses or victims who are witnesses, the Criminal Code provides for the use of video-recording of evidence in the event that the witness is a minor (not exceeding 17 years of age) or when the Court deems it appropriate so to do (Articles 646(2) and 647A).</p> <p>In terms of Article 412C, the Court of Magistrates may issue a Protection Order against the accused on the reasonable grounds of providing for the safety of the injured person or of other individuals, or for the keeping of public peace, or for the purpose of protecting the injured person or other</p>

		<p>individuals from harassment or other conduct which will cause a fear of violence. Such Protection Order may impose any restrictions or prohibitions on the accused that appear to the Court as necessary or desirable in the circumstances and this so as to give effect to any of the purposes mentioned above. Such protection order is requested in granted to the victims in every case</p> <p>The Court may also order that, together with or separately from a Protection Order, and provided that the Court is satisfied that proper arrangements have been made or can be made for treatment, the Court may make an order referred to as a Treatment Order which requires a person to submit to treatment, subject to the conditions which the court may deem appropriate to apply. Provided that where any person is convicted with an offence, a Treatment Order by the court may be made with or without the consent of the convicted person and, in the case of a person accused with an offence, a Treatment Order may only be made with the consent of the accused. If a breach of any the conditions imposed during time when order is effective occurs, the Court may impose a fine on such person (Article 412D).</p> <p>When the victim is a minor, and when the offence committed is one which offends decency and morality and affects the good order of families, the Court may order that the name of the victim and of the accused is not published by the media so as to protect the identity of the victim. Moreover, according to Article 409 of the Criminal Code, proceedings may be carried out behind closed doors. Apart from these provisions, our law provides that in exceptional circumstances, so as to provide for the safety of the witness, the Court may omit from requesting certain personal particulars to the witness upon his deposition, namely the name of the witness's father, the place of birth and residence,</p>
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		<p>other than the name and surname of the witness and the language in which he/she shall have deposed, making a note to that effect in the record of the proceedings (Article 391).</p>
<p>54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?</p>	<p>POLICE APPOGG JRS</p>	<p>Victims are provided with legal assistance, social work and psychological support as required during the investigation phase as well as criminal proceedings.</p> <p>Apart from providing support to the victim, Social workers, psychologists and other professional can be called as witnesses to support and or shed light on the victim's testimony.</p> <p>Article 81 provides for the suspension of criminal proceedings. A protected witness, who took part in the fact which constitutes a crime for which others are being or are to be prosecuted, shall not be prosecuted for any crime arising from the same fact before the proceedings in which he is or will be a witness shall have become res judicata.</p> <p>In terms of Article 82, the period of prescription in respect of the criminal action against the protected witness arising from the fact referred to in Article 81 shall be suspended from the date that the Attorney General decides that the witness shall be deemed to be a protected witness, and shall continue from the day on which the last proceedings in which he/she is a witness for the purposes of the programme become res judicata.</p> <p>In conclusion, it can be said that the Commissioner of Police has the authority to order and ensure that the necessary urgent measures are undertaken. Generally, physical police protection is given to the witness. Furthermore, the Court may provide for any measure to be taken aimed at ensuring the better</p>

		administration of justice. Indeed, the institution responsible for the protection of witnesses is the Commissioner of Police. Should the need be felt for the witness to be sent abroad to be afforded better protection, then the Minister responsible for Police is to enter into such an agreement with a foreign government.
<p>Jurisdiction (Article 31)</p> <p>55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).</p>	AG	<p>Article 248E(5) of the Criminal Code has incorporated additional instances when jurisdiction may apply with regards to THB, over and above those enlisted in article 5 of the criminal code which deals with jurisdiction. These read as follows:</p> <p>(a) only part of the action giving execution to the offence took place in Malta; or  (b) the offender is a Maltese national or permanent resident in Malta or the offence was committed for the benefit of a body corporate registered in Malta; or  (c) the offence was committed against a Maltese national or permanent resident in Malta..</p> <p>Therefore it is clear that jurisdiction would also be applicable in the event Maltese nationals who are THB victims irrespectively where they may be.</p>
<p>International co-operation (Article 32)</p> <p>56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of</p>	POLICE	<p>Requests for cooperation in relation to trafficking in human beings are quite limited in number. These requests we received or sent during the last five years, required assistance in investigations, interrogation of suspects, interviewing of witnesses, collection of evidence or arrests for the purpose of extradition for prosecutions on THB. Malta has signed bilateral agreements providing for Police Cooperation and Cooperation in the field of Organised Crime, which agreements may therefore cover human trafficking issues.</p>

<p>an agreement.</p>		<p>Agreements relating to organised crime have been signed with Montenegro, Italy, Egypt, Tunisia, Kosovo, Saudi Arabia, Spain, Turkey, Hungary, Bulgaria, Jordan, Romania, Georgia, UAE, Libya, Albania, Qatar, Israel, Slovakia, Ukraine, Greece, Sweden, Croatia, Cyprus, France, UK, Slovenia and Latvia.</p> <p>Agreements relating to police cooperation have been signed with Belgium, South Africa, Italy and Bulgaria.</p> <p>Malta signed several bilateral agreements with European Union States and third countries related to police cooperation and, or the fight against organized crime which obviously cover also THB cases. Apart from that, Malta signed and ratified the United Nations Convention against Transnational Organized Crime, New York, 15 November 2000, (UNTOC) its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime New York, 15 November 2000 as well as its Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, New York, 15 November 2000.</p> <p>As a member State of the European Union, Malta transposed in its legal system and implemented the European Union Council Framework Decision of 19 July 2002 on combating trafficking in human beings, the European Union Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings and the European Union Council Directive 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</p>
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		<p>immigration, who cooperate with the competent authorities. Malta is also a Schengen State and therefore bound by the various provisions related to mutual legal assistance contained therein. Malta is a member of Europol and exchanges information and intelligence with the agency as well as all the EU member States and third countries which signed operational agreements with the agency.</p> <p>Malta also signed and ratified the Council of Europe (COE) Convention on Action against Trafficking in Human Beings as well as the COE Convention on Extradition and the COE Convention on Mutual legal Assistance in Criminal Matters and as a member of the Council of Europe it abides by the resolutions and recommendations of the COE in this area.</p> <p>Malta is a member of the ICPO- Interpol. The Interpol agreement may also be used as a basis for requests for mutual legal assistance in criminal matters.</p>
<p>Measures related to endangered or missing persons (Article 33)</p> <p>57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.</p>	<p>Police</p>	<p>Whenever, the police are faced with a case of a victim, witness or collaborator with the judicial authorities in a THB case, whom they believe is in immediate danger on the territory of another party they transmit all relevant information forthwith through one of the established channels for police cooperation i.e., Europol, Interpol, SIS/SIRENE and, or bilateral . The choice of channel is decided upon on a case by case basis depending on which channel they consider the most efficient and effective in the circumstances. In very urgent cases it is also the practice to contact by phone the contact person of the other party.</p> <p>The protection of witnesses, victims and informers is provided specifically for in the Police Act, Chapter 164 of the Laws of Malta which in Title IV</p>

		<p>provides as follows:</p> <p>TITLE IV PROTECTION OF WITNESSES AND VICTIMS</p> <p>75. (1) Where a person is the victim of a crime who is to be produced as a witness in any criminal proceedings against any principal or accomplice in the crime and that person is concerned for his safety or there exist concerns over that person's safety, the Commissioner may, subject to the provisions of article 76, set up a witness protection programme hereinafter referred to in this Part as "the programme".</p> <p>(2) The provisions of subarticle (1) shall also apply to a person who took part in the commission of a crime and whose evidence is required for the prosecution of any principal or accomplice in the crime where that person agrees to co-operate with the public authorities for the purpose of such prosecution.</p> <p>76. A person may become entitled to benefit under the programme if that person -</p> <ul style="list-style-type: none"><li>(a) is a victim of a crime; or</li><li>(b) participated in any organisation or group of persons who have committed or are organised to commit any crime; or</li><li>(c) has participated in the commission of a crime liable to the punishment of imprisonment of seven years or more; and, where paragraph (b) or (c) applies, reveals to the Police such information which the Police consider sufficient as to be likely to secure, upon an eventual prosecution, the conviction of other participants in the crime.</li></ul> <p>77. With respect to a person entitled to be admitted to the programme under article 76(b) or (c) the</p>
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		<p>programme shall only apply if that person declares that he will testify during any trial of any participant in the crime and any benefit granted shall be forfeited if the witness refuses to so testify.</p> <p>78. (1) Notwithstanding the provisions of any other law, where the court considers it necessary for the protection of any person admitted to the programme, it may allow such person to give evidence viva voce during the trial while being screened from the accused or by contemporaneous television transmission.</p> <p>(2) The Minister with the concurrence of the Minister for Justice may make regulations to provide for the modalities, conditions and rules of procedure to be applied when a person is to give evidence under the provisions of subarticle (1).</p> <p>79. In deciding whether to recommend the admission of a witness into the programme under article 76(b) or (c), the Commissioner shall take into account whether the witness provides reliable and relevant circumstantial, direct or documentary evidence to corroborate his version.</p> <p>80. (1) Where the Commissioner is of the opinion that a person qualifies for admission to the programme, he shall apply in writing to the Attorney General requesting such person to be admitted to the programme stating the reasons for his request and producing all supporting documents.</p> <p>(2) The Attorney General shall decide on any such request in his individual judgement, and if the</p>
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		<p>request is allowed the witness shall be deemed to be a protected witness under the programme.</p> <p>The decision of the Attorney General may not be questioned in any manner in any court or tribunal.</p> <p>81. (1) A protected witness who took part in the fact which constitutes a crime for which others are being or are to be prosecuted, shall not be prosecuted for any crime arising from the same fact before the proceedings in which he is or will be a witness shall have become res judicata:</p> <p>Provided that no objection to the competence of a protected witness shall be admitted on the ground that the said witness was either charged with the same offence in respect of which his deposition is required or that he is liable to be prosecuted in the future in respect of the said offence or of a related offence.</p> <p>(2) In criminal proceedings instituted against a protected witness for any crime arising from the same fact on which the protected witness would have given evidence, the court shall take into due account the fact that the protected witness gave evidence against any principal or accomplice in such manner as it deems appropriate and the punishment of such protected witness may be mitigated or remitted and the court shall expressly refer to the provisions of this article in its judgement.</p> <p>(3) In any civil proceedings instituted against a protected witness based on the fact that the said witness was the perpetrator or was an accomplice in the crime on which he tendered evidence, the court shall, if it finds that the protected witness is responsible for the payment of damages, only hold him liable for such part of the damage as he may have caused and shall, notwithstanding the</p>
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		<p>provisions of articles 1049, 1050 and 1051A of the Civil Code or of any other law, hold him not liable jointly and severally with others: Provided that the exemption from joint and several liability provided for in this sub-article shall not apply in the case of damages resulting from wilful homicide or from grievous bodily harm.</p> <p>(4) Notwithstanding the provisions of sub-article (2), where in criminal proceedings as provided for in sub-article (1) instituted against a protected witness -</p> <p>(a) the prosecution declares in the records of the proceedings that the accused has tendered evidence on facts constituting a criminal offence liable to a punishment of imprisonment of more than one year which has helped the police to apprehend the person or persons who committed the said criminal offence; or</p> <p>(b) the protected witness proves to the satisfaction of the court that his evidence has so helped the police, the punishment for such crime shall be diminished as regards imprisonment by one or two degrees and as regards any pecuniary penalty by one-third or one-half:</p> <p>Provided that the court may, if it considers that the circumstances of the case so merit, after hearing all the evidence and after convicting the protected witness, either further reduce the punishment or exempt the protected witness from punishment completely:</p> <p>Provided further that, when it applies the above proviso to exempt the protected witness from punishment completely, the court shall make a report to the President of Malta stating the reasons for its action and shall expressly refer to</p>
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		<p>the provisions of this article in its report.</p> <p>82. The period of prescription in respect of the criminal action against the protected witness arising from the fact referred to in article 81 shall be suspended from the date that the Attorney General decides that the witness shall be deemed to be a protected witness, and shall continue from the day on which the last proceedings in which he is a witness for the purposes of the programme become res judicata.</p> <p>83. The programme may provide for such protection to the life and property of a witness admitted to the programme and to that of members of his family in the ascending, descending or collateral line, as the Commissioner may deem appropriate and may include provision for the payment of a subsistence allowance in particular cases.</p> <p>84. The Minister responsible for the Police may enter into agreements with foreign governments providing for assistance, on the basis of reciprocity, in the implementation of witness protection programmes. For the purpose of enhancing the protection of witnesses such agreements may provide for the possibility of transferring to another country a protected witness or receiving from another country a witness admitted to a programme in that country similar to that referred to under article 75.</p> <p>85. (1) The Attorney General may at any time, either ex officio or on an application by the Commissioner, revoke a person's protected witness status under article 76(a) or (b) where it results that that person is not abiding by the conditions of the programme or that his evidence or version of the</p>
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		<p>facts, or any circumstances indicated by him as corroborating evidence, are manifestly false.</p> <p>(2) The protected witness status referred to in sub article (1) may also be revoked as provided in that sub article where the person enjoying that status commits during the period of the programme, or is reasonably suspected of having committed during that period, any other crime punishable with imprisonment for more than three years and not being a crime of an involuntary nature.</p> <p>86. The Attorney General may also revoke a person's protected witness status granted under article 76(a) where it results that such person is not abiding by the conditions of the programme or where he is reasonably suspected of having committed any of the crimes referred to in articles 100 to 105 of the Criminal Code, both inclusive, or of the crimes referred to in articles 108 to 110 of the said Code, both inclusive, in relation to the fact in respect of which that status was granted.</p>
<p>58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?</p>	<p>POLICE MHAS</p>	<p>An early warning system proper for missing children has not been introduced in Malta. Maltese law enforcement authorities however have a system of national alerts which gives them possibilities akin to an early warning system. All court orders impeding departure to minors are inserted in this national stop list as persons whose departure from Malta must be prevented. The same system also permits the police authorities to enter alerts on minors reported missing for the purpose of taking them under protection and to upload these alerts in the Schengen Information System. In fact, whenever the Police receive a report that a minor is missing, the police enter a report in the national Police system and immediately uploads alerts in these systems. As soon as the police receive such reports</p>

		<p>an assessment is made whether there is also a need to notify the media and ask for information/assistance from/by the general public.</p> <p>Malta did not sign any specific agreement on missing children. However, as indicated in the answer to the previous question Malta is a EU/Schengen Member State and actively cooperates with other EU/Schengen States via channels and networks established for that purpose. Apart from that, Malta ratified the UNCTOC Protocol and COE Convention on THB which apply also to child victims of such heinous crimes.</p> <p>A request by a person to be considered a protected witness may be made to the Attorney General, who shall decide the request as provided in article 80(2). The Attorney General may not be brought as a witness against the person requesting to be admitted to the programme or to prove that he made any such request.</p> <p>88. The benefits under this Act or under any regulations made there under shall not apply to a person who results to be the head of the criminal organisation or group, or the main instigator or beneficiary of the crime.</p> <p>89. A witness protection programme may also be extended to a witness in any criminal proceedings in respect of a crime as is mentioned in article 76 and who has not participated in any way in such crime.</p> <p>90. (1) Any minor, any victim of any crime against the peace and honour of families, and against morals, and any other witness who in the opinion of the court needs special treatment or protection, may be allowed to give evidence viva voce during the</p>
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		<p>trial by contemporaneous television transmission.</p> <p>(2) The Minister, in concurrence with the Minister for Justice may make regulations to lay down anything that needs to be prescribed for the setting up of a contemporaneous television transmission during a trial as provided in sub article (1) and to lay down such rules of procedure and of evidence as may be necessary for such purpose as well as to secure greater protection of the personal safety, sense of modesty, psychological stability of such witnesses as may, on account of special circumstances, require such protection.</p> <p>90A. (1) Notwithstanding the other provisions of this Title where the Commissioner is of the opinion that the identity of a person merits to be protected, in circumstances where such person is willing to give the Police reliable information and documents relating to the commission of a crime consisting of an improper practice as defined in the Protection of the Whistleblower Act which information and documents constitute reliable evidence which can be used in criminal proceedings and which provide a reasonable chance of conviction of another person for the commission of such an offence, he may recommend to the Attorney General that such person be admitted to the witness protection programme only to the extent and for the purpose that his identity as the source of the said information and documents be protected.</p> <p>(2) If the Attorney General after receiving a request in accordance with sub-article (1) and acting in his own individual judgement, agrees that such protection of identity should be granted, whether subject to conditions or unconditionally, he shall issue a certificate to that effect and the Commissioner shall be entitled to protect the</p>
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		<p>identity of the said person and not to give any information in any court on the identity of the said person on the basis the said certificate.</p> <p>----- ----- -----</p> <p>412C. (1) Where a person (hereinafter in this article and in article 412D referred to as "the accused") has been charged or accused with an offence before the Court of Magistrates whether as a court of inquiry or as a court of criminal judicature, the court may, on reasonable grounds, for the purpose of providing for the safety of the injured person or of other individuals or for the keeping of the public peace or for the purpose of protecting the injured person or other individuals from harassment or other conduct which will cause a fear of violence, issue a protection order against the accused.</p> <p>(2) A protection order may impose any restrictions or prohibitions on the accused that appear to the court necessary or desirable in the circumstances in order to give effect to any of the purposes mentioned in sub article (1).</p> <p>(3) Without limiting the nature of the orders which may be made under sub article (1), a protection order may do all or any of the following:</p> <p>(a) prohibits or restricts the accused from approaching or following the movements of the injured person or any other individual specified in the order; or</p> <p>(b) prohibit or restrict access by the accused, for a period not exceeding six months or until final judgement, to premises in which the injured person,</p>
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		<p>or any other individual specified in the order, lives, works or frequents even if the accused has a legal interest in those premises; or</p> <p>(c) prohibit the accused from contacting or molesting the injured person or any other individual specified in the order; or</p> <p>(e) the accused's willingness or otherwise to submit to such treatment as the court may deem appropriate; and</p> <p>(f) any other matter that, in the circumstances of the case, the court considers relevant: Provided that particular attention shall be given to the matters in paragraphs (a), (b) and (e).</p> <p>(5) A protection order shall remain in force for a period, not exceeding three years, specified by the court, but can be revoked or extended for further periods.</p> <p>(6) A party to the proceedings in which an order has been made under this article or any other individual mentioned in the order, may apply to the court at any time for the extension, variation or revocation of the order and after all the parties have had an opportunity to be heard the court shall, in determining whether to extend, vary or revoke an order, have regard to the matters specified in sub article (4).</p> <p>(7) If without reasonable excuse the accused contravenes any prohibition or restriction imposed upon him by an order under this article, he shall be guilty of an offence and shall, on conviction, be liable to a fine (multa) of two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment not exceeding six months or to both such fine and imprisonment.</p>
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		(8) The court may also order that any arm proper or am improper, as defined in article 64, be deposited with the Court's registrar.
<p>Co-operation with civil society (Article 35)</p> <p>59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.</p>	<p>MHAS</p> <p>JRS</p>	<p>One local NGO is represented on the Anti Human Trafficking Monitoring Committee, which is the mechanism which acts as the National Monitoring and Implementing Body as prescribed by the Directive 2011/36 EU. Moreover two local NGOs are members of the Stakeholders Task Force on Human Trafficking. When training is organised for stakeholders various officials and professionals from NGOs attend such training. The two structures mentioned above are involved in the decision making regarding the content of the national strategy for action against human trafficking. Hence human trafficking is addressed in a multidisciplinary approach which includes the involvement of NGOs.</p>
<p>Relationship with other international instruments (Article 40)</p> <p>60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.</p>	<p>MHAS</p> <p>Lavinia</p>	<p>Malta has not concluded any agreements that in any way impinge on its obligations in terms of the Convention. Moreover, the application of the Convention by Malta has not in any way prejudiced existing rights acquired as a result of other treaties or international instruments.</p>
<p>61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.</p>	<p>REFOOM</p>	<p>As mentioned above, the Office of the Refugee Commissioner notes that persons who are victims of trafficking are reluctant to disclose information, even if there are indications that he/she has been trafficked and special assistance is provided during the asylum procedure. It is only at a later stage, many a times after the case has been finally determined, that the person approaches the Office and informs about the ordeal that he/she has been through.</p>

		<p>The Office considers cases of human trafficking to be very serious and does not exclude that such persons are granted refugee status under the merits of the ground 'a particular social group'. This is due to the fact that victims of trafficking have their liberty taken from them in all aspects of their lives and so constitutes slavery.</p> <p>The Office of the Refugee Commissioner notes that refugee status has been granted to applicants who substantiated their claim to have been victims of trafficking.</p>
62. Which bodies and organisations contributed to responding to this questionnaire?	MHAS	The Ministry for Home Affairs and National Security, Attorney General's Office, Refugee Commissioner, Appogg Agency, Jesuit Refugee Service, Police Vice Squad and Cyber Crime Unit, Immigration Police, Agency for the Welfare of Asylum Seekers and Employment and Training Corporation.
63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?	MHAS	Joyce Damato at the Ministry for Home Affairs and National Security.