

INPUT TO THE SOCIAL
AFFAIRS COMMITTEE ON
HUMAN TRAFFICKING IN
MALTA



Introduction

This input is being presented to the Social Affairs Committee of the Malta House of Representatives.

We express our sincere gratitude at being given this opportunity to address the Committee with this input, and look forward to future engagements on this and other themes of mutual interest.

Formal identification of 'victim of trafficking' status

- A. There is a need to improve procedures for the identifications of victims of trafficking and move this responsibility from the Police to a multi-disciplinary team of psychologists, social workers and NGOs. This is important due a possible conflict in the dual role of the police of identifying and investigating for the purposes of prosecution.
- B. Pending formal identification, individuals that are in the period of reflection need to be granted effective subsistence, medical care, psychological assistance, translation/interpreting services and legal aid.

Content of 'victim of trafficking' status

- C. The content of the status remains unclear and does not seem to offer stability or certainty: employment, healthcare (including mental), social support, education (including vocational, language), family reunification.
- D. Residence permits need to be valid for a year or more in order to allow for integration, security and foreseeability.
- E. Once the content is established in law, stakeholders working as front-liners need to be aware of the rights of persons who are in the reflection period and those who are granted a residence permit.
- F. Extend the remit of legislation to also cover potential trafficking victims who are citizens of European Union Member States.
- G. Ensure the link between trafficking and asylum is made by guaranteeing access to independent information and legal advisers and by not assuming that all victims would prefer to return to their countries of origin.

Administrative detention

- H. Organisations, including non-governmental, that provide support services (e.g. legal, social, material, psychological), should be granted effective access to detention centres in order to assist possible victims of trafficking that could be erroneously being held in detention.
- I. Detained persons should be granted information and support to access NGO services in cases they feel they are victims of trafficking or if they have related queries.
- J. No social welfare entities visit detained persons to identify or assess for vulnerabilities, as AWAS is only permitted to visit asylum-seekers and not rejected asylum-seekers.

Awareness and Prevention

- K. Increase awareness of all forms of victims of trafficking, including amongst men and young boys who are trafficked to and in Malta for purposes of work exploitation.
- L. Explore, through research but also through investigations possible links and overlaps between smuggling and trafficking of arrivals by boat, and ensure that appropriate protection and support is given to these victims.
- M. Organise specific outreach activities with high-risk communities, in partnership with NGOs, including:
 - i. Undocumented migrants;
 - ii. Refugees from Ukraine;
 - iii. Unaccompanied or separated children.
- N. Ensure increased enforcement and effective penalties against and those that use the services of trafficked persons. This also includes ensuring:
 - i. mandatory processes during Government public procurement procedures to identify and exclude economic operators that are found have improper and exploitative contracts and practices with their employees;
 - ii. exclusion and blacklisting of companies and employers from participating in procurement procedures and funding programmes;
 - iii. exclusion and blacklisting of recruitment agencies that are found to have facilitated trafficking or the exploitations of individuals to and from Malta.

General

- O. Ensure appropriate and sustainable funding for all NGOs working as front-liners with trafficked persons in order for them to continue to give professional and high-quality support to potential victims and victims of trafficking.

- P. Establish, publish and implement eligibility rules on access to restitution and compensation schemes.
- Q. Relax norms regulating change of employers by third-country nationals, whether they are victims of trafficking or otherwise.

aditus foundation

aditus was established in 2011 with a mission to monitor, report and act on access to human rights by all persons in Malta.

What do we do?

- i. Research & publish, including legal commentaries & Shadow Reports to EU, CoE, UN & other bodies.
- ii. Provide rights & procedures information, offer legal services & focus on strategic litigation.
- iii. Organise conferences, seminars & trainings, secure a strong public voice & organise awareness-raising.
- iv. Dialogue with our partners, cooperate with local & international networks, support community-building.

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