Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,739, 23 ta' Ottubru, 2026
Taqsima C

Nru 14

23. 10. 2026

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Owen Bonnici, M.P., Ministru għall-Akkomodazzjoni u l-Artijiet, f'isem il-Ministru għall-Ugwaljanza u d-Drittijiet Ċivili, u moqri għall-Ewwel darba fis-Seduta tad-19 ta' Ottubru 2026.

ATT sabiex jemenda diversi liġijiet dwar it-traffikar ta' persuni u sabiex jagħmel dispożizzjonijiet anċillari u konsegwenzjali għalihom.

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Owen Bonnici, M.P., Minister for Accommodation and Lands, on behalf of the Minister for Equality and Civil Rights, and read the First time at the Sitting of the 19th October 2026.

AN ACT to amend various laws relating to the trafficking in persons and to make ancillary and consequential provisions thereto.

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

ABBOZZ TA' LIĠI
msejjaħ

ATT sabiex jemenda diversi liġijiet dwar it-traffikar ta' persuni u sabiex jagħmel dispożizzjonijiet anċillari u konsegwenzjali għalihom.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament u bl-awtorità tal-istess, ħarġet b'liġi dan li ġej:-

Titolu fil-qosor u għan.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2026 li jemenda Diversi Liġijiet dwar it-Traffikar ta' Persuni.

(2) L-għan ta' dan l-Att hu li jittrasponi d-Direttiva (UE) 2024/1712 tal-Parlament Ewropew u tal-Kunsill tat-13 ta' Ġunju 2024 li temenda d-Direttiva 2011/36/UE dwar il-prevenzjoni u l-ġlieda kontra t-traffikar tal-bnedmin u l-protezzjoni tal-vittmi tiegħu.

TAQSIMA I
EMENDI GĦALL-KODIĊI KRIMINALI

Emendi għall-Kodiċi Kriminali. Kap. 9.

2. Din it-Taqsima temenda l-Kodiċi Kriminali u għandha tinqara u tinftiehem ħaġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ il-"Kodiċi".

Żieda ta' artikoli ġodda fil-Kodiċi.

3. Minnufih wara l-artikolu 248ĊA tal-Kodiċi għandhom jiġu

miżjuda l-artikoli ġodda li ġejjin:

"Traffikar ta' persuna tal-età bil-għan li tali persuna tkun suġġetta għal żwieġ sfurzat.

248ĊB. Kull min, bi kwalunkwe mezzi msemmija fl-artikolu 248A(2), jittraffika persuna tal-età bil-għan li tali persuna tiġi soġġetta għal żwieġ sfurzat jew bil-għan illi jiġbed b'qerq lil tali persuna lejn it-territorju ta' Stat ieħor, għajr dak li tgħix fih, bil-għan li jġiegħel lil tali persuna tidħol fi żwieġ ta' kwalunkwe xorta jew unjoni komparabbli ta' kwalunkwe xorta għandu jeħel, meta jinstab ħati, il-piena stabbilita fl-artikolu 248A(1).

Traffikar ta' persuna tal-età bil-għan li tiġi sfruttata għall-maternità surrogata.

248ĊĊ. Kull min, bi kwalunkwe mezzi msemmija fl-artikolu 248A(2), jittraffika persuna tal-età bil-għan li tali persuna tiġi sfruttata għall-maternità surrogata għandu jeħel, meta jinstab ħati, il-piena stabbilita fl-artikolu 248A(1):

Iżda meta l-omm surrogata hija minuri, il-piena għandha tiżdied bi grad, anke jekk ma jkun intuża l-ebda wieħed mill-mezzi msemmija fl-artikolu 248A(2).".

Sostituzzjoni tal-artikolu 248D tal-Kodiċi.

4. L-artikolu 248D tal-Kodiċi għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Traffikar ta' minuri għal kwalunkwe wieħed mill-għanijiet imsemmija fl-artikoli 248A sa 248ĊĊ u fl-artikoli 248DA u 248DB.

248D. Kull min jittraffika minuri għal kwalunkwe wieħed mill-għanijiet imsemmija fl-artikoli 248A sa 248ĊĊ, it-tnejn inklużi, u fl-artikoli 248DA u 248DB, għandu jeħel, meta jinsab ħati, l-istess pieni stabbiliti f'dawk l-artikoli, miżjuda bi grad, irrispettivament minn jekk il-mezzi msemmija fl-artikolu 248A(2) intużawx jew le.".

Emenda tal-artikolu 248E tal-Kodiċi.

5. Is-subartikolu (2) tal-artikolu 248E tal-Kodiċi għandu jiġi emendat kif ġej:

(a) il-kliem "artikoli 248A sa 248D" għandhom jiġu sostitwiti bil-kliem "artikoli 248A sa 248DB";

(b) il-paragrafu (a) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(a) ikun akkumpanjat bi kwalunkwe forma ta' vjolenza, jew irriżulta fi kwalunkwe forma ta' ħsara fiżika jew psikoloġika lill-vittma; jew";

(ċ) fil-paragrafu (h) tiegħu l-kliem "jew awtorità," għandhom jiġu sostitwiti bil-kliem "jew awtorità; jew" u minnufih wara għandu jiġi miżjud il-paragrafu ġdid li ġej:

"(i) jitwettaq permezz tal-użu ta' kwalunkwe mezz ta' teknoloġija tal-informazzjoni u, jew tal-komunikazzjoni tkun li tkun, irrispettivament mill-istadju tal-ippjanar jew it-twettiq tar-reat li fih tintuża kwalunkwe tali teknoloġija,".

Emenda tal-artikolu 248F tal-Kodiċi.

6. Fis-subartikolu (2) tal-artikolu 248F tal-Kodiċi l-kliem "fl-artikoli 248A sa 248D, it-tnejn inklużi, meta tkun taf" għandhom jiġu sostitwiti bil-kliem "fl-artikoli 248A sa 248DB, it-tnejn inklużi, meta tkun taf jew kellha tkun taf jew kellha raġuni sabiex temmen".

TAQSIMA II
EMENDI GĦALL-ATT DWAR VITTMI TAL-KRIMINALITÀ

Emendi għall-Att dwar Vittmi tal-Kriminalità. Kap. 539.

7. Din it-Taqsima temenda l-Att dwar Vittmi tal-Kriminalità u għandha tinqara u tinftiehem ħaġa waħda mal-Att dwar Vittmi tal-Kriminalità, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

8. Fl-artikolu 2 tal-Att prinċipali minnufih wara t-tifsira "ġustizzja riparatriċi" għandhom jiġu miżjuda t-tifsir ġdid li ġej:

" "Koordinatur Nazzjonali kontra t-Traffikar tal-Persuni" tfisser il-koordinatur stabbilit permezz tal-artikolu 18A;

"Mekkaniżmu Nazzjonali ta' Riferiment" tfisser il-mekkaniżmu stabbilit permezz tal-artikolu 18;".

Emenda tal-artikolu 12 tal-Att prinċipali.

9. Fis-subparagrafu (iv) tal-paragrafu (b) tal-artikolu 12 tal-Att prinċipali l-kliem "tat-traffikar tal-bnedmin" għandhom jiġu sostitwiti bil-kliem "tat-traffikar tal-persuni".

Emenda tat-titolu tat-Taqsima II tal-Att prinċipali.

10. Fit-titolu tat-Taqsima II tal-Att prinċipali l-kliem "Traffikar tal-Bnedmin" għandhom jiġu sostitwiti bil-kliem "Traffikar tal-Persuni".

Sostituzzjoni tal-artikolu 15 tal-Att prinċipali.

11. L-artikolu 15 tal-Att prinċipali għandu jiġu sostitwit bl-

artikolu ġdid li ġej:

"Assistenza u appoġġ.

Kap. 9.

L.S. 595.37.

15. (1) Persuna li tkun vittma ta' reat ta' traffikar ta' persuni skont is-Sub-titolu VIII Bis tat-Titolu VIII tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali għandha tingħata assistenza u appoġġ speċjalizzat b'approċċ iċċentrat fuq il-vittma, sensittiv għall-ġeneru, għad-diżabilità u għat-tfal qabel, waqt u għal perjodu ta' żmien xieraq wara t-tmiem tal-proċeduri kriminali, sabiex l-imsemmija vittma tkun tista' teżerċita d-drittijiet stabbiliti taħt dan l-Att. L-assistenza u s-servizzi u t-tul ta' żmien tagħhom, fir-rigward tal-vittmi individwali, għandhom jiġu determinati mill-Aġenzija li toffri Sapport lill-Vittmi, stabbilita skont l-Ordni li jwaqqaf l-Aġenzija li toffri Sapport lill-Vittmi, hawn iżjed 'il quddiem imsejħa l-Aġenzija li toffri Sapport lill-Vittmi, f'kooperazzjoni mal-awtoritajiet kompetenti l-oħra. L-assistenza u s-servizzi għandhom jiġu pprovduti mill-Aġenzija li toffri Sapport lill-Vittmi u, jew awtoritajiet kompetenti oħra kif meħtieġ, inklużi servizzi oħra provduti mill-Fondazzjoni għal Servizzi ta' Ħarsien Soċjali:

Iżda tali assistenza u appoġġ ma għandhomx ikunu kondizzjonali għall-volontà tal-vittma li tikkoopera matul il-proċeduri kriminali:

Iżda wkoll it-tfal minorenni tal-vittmi li jkunu ngħataw appoġġ skont dan l-artikolu għandhom, sakemm ikunu preżenti f'Malta, jingħataw aċċess għall-edukazzjoni.

(2) Il-miżuri ta' assistenza u appoġġ imsemmija f'dan l-artikolu għandhom jiġu provduti fuq bażi kunsenswali u infurmata, u għandhom jinkludu minn tal-inqas standards ta' għajxien li jistgħu jiżguraw is-sussistenza tal-vittmi permezz ta' miżuri bħall-forniment ta' akkomodazzjoni xierqa u sikura, inklużi postijiet ta' kenn u akkomodazzjoni temporanja xierqa oħra, u assistenza materjali, kif ukoll il-kura medika meħtieġa inkluża l-għajnuna psikoloġika, gwida u informazzjoni u servizzi ta' traduzzjoni u interpretazzjoni fejn ikun xieraq:

Iżda l-postijiet ta' kenn u l-akkomodazzjoni xierqa oħra għandhom jiġu provduti fi kwantità suffiċjenti u għandhom ikunu faċilment aċċessibbli għal vittmi preżunti u identifikati tat-traffikar. Il-postijiet ta' kenn u l-akkomodazzjonijiet temporanja oħra xierqa għandhom jassistu lill-vittmi fl-irkupru tagħhom, billi jipprovdu kundizzjonijiet ta' għajxien adegwati u xierqa bil-ħsieb li jerġgħu lura għall-ħajja indipendenti. Għandhom ukoll ikunu mgħammra sabiex jakkomodaw il-bżonnijiet speċifiċi tat-tfal, inkluż tat-tfal vittmi:

Iżda wkoll jekk ikun rilevanti, għandha tingħata informazzjoni lill-vittmi, inklużi vittmi potenzjali, dwar perjodu ta' riflessjoni u rkupru skont ir-Regolamenti dwar Permess biex Jirrisjedu Vittmi ta' Traffikar jew Immigrazzjoni Illegali li jikkoperaw ma' l-Awtoritajiet Maltin, u dwar il-possibbiltà li tinkiseb protezzjoni internazzjonali skont l-Att dwar il-Protezzjoni Internazzjonali u kwalunkwe regolamenti magħmula taħtu.".

L.S. 217.07.

Kap. 420.

12. Fis-subartikolu (1) tal-artikolu 16 tal-Att prinċipali l-kliem "tat-traffikar tal-bnedmin" għandhom jiġu sostitwiti bil-kliem "tat-traffikar tal-persuni".

Emenda tal-artikolu 16 tal-Att prinċipali.

13. L-artikolu 17 tal-Att prinċipali għandu jiġu sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 17 tal-Att prinċipali.

"Tfal vittmi tat-traffikar tal-persuni.

17. (1) Għandu jiġi maħtur kustodju legali, skont l-Att dwar il-Protezzjoni tal-Minuri (Ħarsien Alternattiv), għal tfal vittmi tat-traffikar tal-persuni mingħajr dewmien meta tifel jew tifla jiġu identifikati bħala vittma potenzjali mill-Mekkaniżmu Nazzjonali ta' Riferiment stabbilit skont l-artikolu 18 u, jew meta t-tfal ma jkunux akkumpanjati jew meta dawk li għandhom ir-responsabbiltà tal-ġenituri jkunu, bħala riżultat ta' kunflitt ta' interess bejniethom u t-tfal vittmi, prekluż milli jiżguraw l-aħjar interess tat-tfal jew ma jistgħux jirrappreżentawh. F'każ ta' kunflitt ta' interess bejn il-kustodju u t-tfal vittmi, għandu jiġi maħtur kustodju differenti.

Kap. 602.

L.S. 12.20.

(2) Għandu jiġi maħtur avukat mingħajr dewmien sabiex jaġixxi fl-interessi tal-minuri skont ir-Regolamenti dwar Il-Qorti Ċivili (Sezzjoni tal-Familja), Il-Prim' Awla tal-Qorti Ċivili u Il-Qorti tal-Maġistrati (Għawdex) (Ġurisdizzjoni Superjuri) (Sezzjoni tal-Familja), li għandhom jassistu u jirrappreżentaw l-interessi tal-minuri li huwa vittma ta' traffikar ta' persuni.

(3) F'każijiet fejn l-età tal-persuna ma tistax tiġi determinata b'ċertezza u jkun hemm raġunijiet sabiex wieħed jemmen li l-persuna hija minuri, dik il-persuna għandha titqies bħala minuri u għandu jkollha dritt tirċievi assistenza, appoġġ u protezzjoni immedjati skont is-subartikoli (1) u (2):

Iżda tali valutazzjoni għandha ssir skont il-proċeduri applikabbli għall-assessjar tal-età.

(4) Għandhom jittieħdu azzjonijiet speċifiċi sabiex jassistu u jappoġġjaw il-vittmi minuri tat-traffikar ta' persuni mill-Aġenzija li toffri Sapport lill-Vittmi u entitajiet oħra rilevanti kif meħtieġ. Tali azzjonijiet għandhom jinkludu miżuri fuq medda qasira u twila ta' żmien immirati sabiex jikkontribwixxu għall-irkupru fiżiku u psiko-soċjali, liema azzjonijiet għandhom jittieħdu wara valutazzjoni individwali taċ-ċirkostanzi speċjali ta' kull vittma tifel jew tifla partikolari, billi debitament jitqiesu l-fehmiet, il-bżonnijiet u t-tħassib tat-tfal sabiex isibu soluzzjoni dejjiema għat-tfal, inklużi programmi li jappoġġjaw it-tranżizzjoni tagħhom għall-età adulta sabiex jiġi evitat it-traffikar mill-ġdid.

(5) It-tfal vittmi tat-traffikar ta' persuni għandhom jingħataw aċċess għall-edukazzjoni.

(6) Għandhom jittieħdu miżuri, fejn xieraq u possibbli, sabiex jiġu pprovduti assistenza u appoġġ skont id-dispożizzjonijiet ta' dan l-Att lill-familja tat-tfal vittmi tat-traffikar tal-persuni meta l-familja tkun preżenti f'Malta.".

Sostituzzjoni tal-artikolu 18 tal-Att prinċipali.

14. L-artikolu 18 tal-Att prinċipali għandu jiġu sostitwit bl-

artikolu ġdid li ġej:

"Mekkaniżmu Nazzjonali ta' Riferiment għall-Vittmi tat-Traffikar tal-Persuni.

18. (1) Bla ħsara għal kwalunkwe mekkaniżmi ta' riferiment oħra, għandu jiġi stabbilit Mekkaniżmu Nazzjonali ta' Riferiment għar-riferiment tal-vittmi tat-traffikar ta' persuni skont l-artikolu 18B(1)(b), liema mekkaniżmu għandu jinkludi, fost oħrajn, rappreżentanti ta' entitajiet pubbliċi u fornituri ta' servizzi rilevanti, li jista' jinkludi wkoll organizzazzjonijiet mhux governattivi, kif meħtieġ.

(2) Il-Mekkaniżmu Nazzjonali ta' Riferiment stabbilit fis-subartikolu (1) għandu jinkludi wkoll punt fokali għar-riferiment transkonfinali tal-vittmi identifikati mill-membri tal-Mekkaniżmu Nazzjonali ta' Riferiment.

(3) Il-funzjonijiet tal-Mekkaniżmu Nazzjonali ta' Riferiment għandhom jinkludu:

(a) l-istabbiliment ta' indikaturi u standards sabiex jippermettu l-iskoperta u l-identifikazzjoni bikrija tal-vittmi ta' kull forma ta' traffikar ta' persuni u sfruttament stipulati fis-Sub-titolu VIII Bis tat-Titolu VIII tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali, u l-adattament tal-proċeduri għal tali skoperta u identifikazzjoni ta' diversi forom ta' sfruttament;

Kap. 9.

(b) ir-riferiment tal-vittmi għall-appoġġ u l-assistenza l-aktar xierqa; u

(ċ) il-provvista ta' kuntatt mal-Aġenzija għall-Protezzjoni Internazzjonali sabiex jiġi żgurat li tingħata assistenza, appoġġ u protezzjoni lill-vittmi tat-traffikar ta' persuni li jeħtieġu protezzjoni internazzjonali jew iridu li japplikaw għal tali protezzjoni, billi jitqiesu ċ-ċirkostanzi individwali tal-vittma.".

15. Minnufih wara l-artikolu 18 tal-Att prinċipali għandhom jiġu

Żieda ta' artikoli ġodda fl-Att prinċipali.

miżjuda l-artikoli ġodda li ġejjin:

"Taħriġ.

18A. Għandu jiġi provdut taħriġ, fost oħrajn, mill-Koordinatur Nazzjonali kontra t-Traffikar tal-Persuni lil uffiċjali u professjonisti li x'aktarx jiltaqgħu ma' vittmi jew vittmi potenzjali tat-traffikar tal-persuni, inkluż l-uffiċjali tal-pulizija, il-persunal tal-qorti, is-servizzi ta' assistenza u appoġġ, l-ispetturi tax-xogħol, il-ħaddiema tas-servizzi soċjali u tal-kura tas-saħħa, il-membri tal-ġudikatura u l-prosekuturi. Tali taħriġ għandu jkollu l-għan li jippermetti l-prevenzjoni u l-ġlieda kontra t-traffikar tal-persuni u li jevita vittimizzazzjoni sekondarja, kif ukoll sabiex jiskopri, jidentifika, jassisti, jappoġġja u jipproteġi l-vittmi. It-taħriġ għandu jkun ibbażat fuq id-drittijiet tal-bniedem, iċċentrat fuq il-vittmi, u sensittiv għall-ġeneru, id-diżabilità u t-tfal.

Koordinatur Nazzjonali kontra t-Traffikar tal-Persuni.

18B. (1) Il-Ministeru responsabbli għall-ugwaljanza għandu jassumi l-funzjoni ta' Koordinatur Nazzjonali kontra t-Traffikar tal-Persuni u għandu jaħdem ma' entitajiet u organizzazzjonijiet nazzjonali rilevanti, inkluż organizzazzjonijiet mhux governattivi, b'mod partikolari, iżda mhux esklussivament, bil-għan li:

(a) jikkoordina l-Istrateġija Nazzjonali u Pjan ta' Azzjoni kontra t-Traffikar tal-Persuni;

(b) jistabbilixxi l-Mekkaniżmu Nazzjonali ta' Riferiment, li għandu jinvolvi l-entitajiet pubbliċi rilevanti kollha, inkluż fornituri ta' servizzi, appoġġjati mill-Aġenzija li toffri Sapport lill-Vittmi; u

(ċ) jirreġistra, jipproduċi u jipprovdi data statistika anonimizzata sabiex tiġi mmonitorjata l-effettività tas-sistemi fis-seħħ għall-ġlieda kontra r-reati li jikkonċernaw it-traffikar tal-persuni.

(2) Il-miżuri kontra t-traffikar għandhom jiġu mmonitorjati minn korp fi ħdan il-Ministeru responsabbli għall-ugwaljanza, li għandu jissottometti rapporti dwar kwistjonijiet li jeħtieġu attenzjoni speċjali, u jwettaq valutazzjonijiet tal-kawżi ewlenin u x-xejriet fit-traffikar tal-persuni. Tali korp għandu wkoll:

(a) jevalwa x-xejriet fit-traffikar tal-persuni;

(b) jivvaluta r-riżultati tal-azzjonijiet kontra t-traffikar, inkluż il-ġbir ta' statistika f'kooperazzjoni mill-qrib ma' organizzazzjonijiet tas-soċjetà ċivili rilevanti attivi fil-qasam;

(ċ) jistabbilixxi pjanijiet ta' rispons ta' kontinġenza sabiex jipprevjeni t-theddida tat-traffikar tal-persuni f'każ ta' emerġenzi maġġuri; u

(d) jippromwovi, jikkoordina u, fejn xieraq, jiffinanzja programmi kontra t-traffikar.

Ġbir ta' data u statistika.

18Ċ. Fl-eżerċizzju tal-funzjoni stabbilita fl-artikolu 18B(1)(ċ), id-data statistika li għandha tinġabar għandha tinkludi, mill-inqas, data disponibbli fil-livell ċentrali dwar:

(a) l-għadd ta' vittmi identifikati u preżunti rreġistrati ta' reati li jikkonċernaw it-traffikar tal-persuni, diżaggregati skont l-organizzazzjoni ta' reġistrazzjoni, is-sess, il-grupp tal-età, tfal jew adulti, iċ-ċittadinanza, u l-forma ta' sfruttament, skont il-liġi u l-prattiki nazzjonali;

(b) l-għadd ta' persuni suspettati b'reati li jikkonċernaw it-traffikar tal-persuni, diżaggregati skont is-sess, il-grupp tal-età, tfal jew adulti, iċ-ċittadinanza u l-forma ta' sfruttament;

(ċ) l-għadd ta' persuni mħarrka għal reati li jikkonċernaw it-traffikar tal-persuni, diżaggregati skont is-sess, il-grupp tal-età, tfal jew adulti, iċ-ċittadinanza, il-forma ta' sfruttament u n-natura tad-deċiżjoni finali;

(d) l-għadd ta' deċiżjonijiet ta' prosekuzzjoni jiġifieri, akkużi għal reati li jikkonċernaw it-traffikar tal-persuni, akkużi għal reati kriminali oħra, jew deċiżjonijiet li ma jitressqux akkużi;

(e) l-għadd ta' persuni kkundannati għal reati li jikkonċernaw it-traffikar tal-persuni, diżaggregati skont is-sess, il-grupp tal-età, tfal jew adulti, u ċ-ċittadinanza;

(f) l-għadd ta' sentenzi tal-qorti jiġifieri, ħelsien jew kundanni għal reati li jikkonċernaw it-traffikar tal-persuni; u

Kap. 9.

(g) l-għadd ta' persuni suspettati, persuni mħarrka, u persuni kkundannati għar-reat taħt l-artikolu 248F tal-Kodiċi Kriminali diżaggregati skont is-sess u l-grupp tal-età, tfal jew adulti.".

Għanjiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma li jittrasponu fil-liġi nazzjonali d-Direttiva (UE) 2024/1712 tal-Parlament Ewropew u tal-Kunsill tat-13 ta' Ġunju 2024 li temenda d-Direttiva 2011/36/UE dwar il-prevenzjoni u l-ġlieda kontra t-traffikar tal-bnedmin u l-protezzjoni tal-vittmi tiegħu, billi fost l-oħrajn, jiġu introdotti reati speċifiċi ta' traffikar tal-bnedmin għall-finijiet ta' żwieġ sfurzat u sfruttament tal-maternità surrogata, filwaqt li tiġi estiża wkoll l-applikazzjoni ta' ċirkustanzi aggravanti. L-Abbozz jipprovdi wkoll għal assistenza u appoġġ speċjalizzati għal vittmi tat-traffikar, jintroduċi salvagwardji speċifiċi għal vittmi tfal, jistabbilixxi Mekkaniżmu Nazzjonali ta' Riferiment għat-traffikar tal-persuni, u jaħtar lill-Ministeru responsabbli għall-ugwaljanza bħala l-Koordinatur Nazzjonali Kontra t-Traffikar tal-Persuni.

A BILL
entitled

AN ACT to amend various laws relating to the trafficking in persons and to make ancillary and consequential provisions thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and scope.

1. (1) The short title of this Act is the Various Laws relating to Trafficking in Persons (Amendment) Act, 2026.

(2) The scope of these amendments is to transpose Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

PART I
AMENDMENTS TO THE CRIMINAL CODE

Amendments to the Criminal Code. Cap. 9.

2. This Part amends the Criminal Code and shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as the "Code".

Addition of new articles to the Code.

3. Immediately after article 248CA of the Code there shall be

added the following new articles:

"Trafficking in persons of age for the purpose of subjecting such person to forced marriage.

248CB. Whosoever, by any means referred to in article 248A(2), traffics a person of age for the purpose of subjecting such person to forced marriage or for the purpose of luring such person to the territory of another State, other than the one he resides in, with the purpose of forcing such person to enter into a marriage of any kind or a comparable union of any kind shall on conviction be liable to the punishment established in article 248A(1).

Trafficking in persons of age for the purpose of exploitation in surrogacy.

248CC. Whosoever, by any means referred to in article 248A(2), traffics a person of age for the purpose of exploiting such person in surrogacy, shall on conviction be liable to the punishment established in article 248A(1):

Provided that when the surrogate mother is a minor, the punishment shall be increased by one degree, even if none of the means referred to in article 248A(2) have been used.".

Substitution of article 248D of the Code.

4. Article 248D of the Code shall be substituted by the following new article:

"Trafficking of a minor for any of the purposes referred to in articles 248A to 248CC and articles 248DA and 248DB.

248D. Whosoever traffics a minor for any of the purposes referred to in articles 248A to 248CC, both inclusive, and in articles 248DA and 248DB, shall on conviction be liable to the same punishments established in those articles, increased by one degree, irrespective of whether the means referred to in article 248A(2) have been used or not.".

Amendment of article 248E of the Code.

5. Sub-article (2) of article 248E of the Code shall be amended as follows:

(a) the words "articles 248A to 248D" shall be substituted by the words "articles 248A to 248DB";

(b) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) is accompanied by any form of violence, or has resulted in any form of physical or psychological harm to the victim; or";

(c) in paragraph (h) thereof the words "or authority," shall be substituted by the words "or authority; or", and

immediately thereafter there shall be added the following new paragraph:

"(i) is committed through the use of any means of information and, or communication technology whatsoever, irrespective of the stage of planning or commission of the offence at which any such technology is used,".

Amendment of article 248F of the Code.

6. In sub-article (2) of article 248F of the Code the words "in articles 248A to 248D, both inclusive, in the knowledge" shall be substituted by the words "in articles 248A to 248DB, both inclusive, who knew or should have known or has reason to believe".

PART II
AMENDMENTS TO THE VICTIMS OF CRIME ACT

Amendments to the Victims of Crime Act. Cap. 539.

7. This Part amends the Victims of Crime Act and shall be read and construed as one with the Victims of Crime Act, hereinafter in this Part referred to as the "principal Act".

Amendment of article 2 of the principal Act.

8. In article 2 of the principal act, immediately after the definition "minor" there shall be added the following new definitions:

" "National Anti-Human Trafficking Coordinator" means the coordinator established in accordance with article 18A;

"National Referral Mechanism" means the mechanism established in accordance with article 18;".

Amendment of article 12 of the principal Act.

9. In sub-paragraph (iv) of paragraph (b) of article 12 of the principal Act the words "human trafficking" shall be substituted by the words "trafficking in persons".

Amendment of the title of Part II of the principal Act.

10. In the Maltese version only, in the title of Part II of the principal Act the words "Traffikar tal-Bnedmin" shall be substituted by the words "Traffikar tal-Persuni".

Substitution of article 15 of the principal Act.

11. Article 15 of the principal Act shall be substituted by the

following new article:

"Assistance and support. Cap. 9.

15. (1) A person who is a victim of an offence of trafficking of persons in terms of Sub-title VIII *Bis* of Title VIII of Part II of Book First of the Criminal Code shall be provided with specialised assistance and support in a victim-centred, gender-, disability- and child-sensitive approach before, during and for an appropriate period of time after the conclusion of criminal proceedings, in order to enable the said victim to exercise the rights established under this Act. The assistance and services, and the duration thereof, in relation to individual victims shall be determined by the Victim Support Agency, which is established in accordance with the Victim Support Agency (Establishment) Order, hereinafter referred to as the Victim Support Agency, in cooperation with other competent authorities. The assistance and services shall be provided by the Victim Support Agency and, or other competent authorities as required, including other services provided by the Foundation for Social Welfare Services:

S.L. 595.37.

Provided that such assistance and support shall not be conditional on the victim's willingness to cooperate throughout the criminal proceedings:

Provided further that the minor children of the victims provided support in accordance with this article shall, as long as they are present in Malta, be given access to education.

(2) The assistance and support measures referred to in this article shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation, including shelters and other appropriate interim accommodation, and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate:

Provided that the shelters and other appropriate accommodation shall be provided in sufficient numbers and shall be easily accessible to presumed and identified victims of trafficking. The shelters and other appropriate interim accommodations shall assist the victims in their recovery, by providing adequate and appropriate living conditions with a view to a return to independent living. They shall also be equipped to accommodate the specific needs of children, including child victims:

Provided further that where relevant, information shall be provided to victims, including potential victims, on a reflection and recovery period pursuant to the Permission to Reside for Victims of Trafficking or Illegal Immigration who co-operate with the Maltese Authorities Regulations, and on the possibility of obtaining international protection in accordance with the International Protection Act and any regulations made thereunder.".

S.L. 217.07.

Cap. 420.

12. In the Maltese version only, in sub-article (1) of article 16 of the principal Act the words "tat-traffikar tal-bnedmin" shall be substituted by the words "tat-traffikar tal-persuni".

Amendment of article 16 of the principal Act.

13. Article 17 of the principal Act shall be substituted by the following new article:

Substitution of article 17 of the principal Act.

"Child victims of trafficking in persons. Cap. 602.

17. (1) A legal guardian, in accordance with the Minor Protection (Alternative Care) Act, shall be appointed for a child victim of trafficking in persons without delay when a child is identified as a potential victim by the National Referral Mechanism established in accordance with article 18, and, or when the child is unaccompanied or when the holders of parental responsibility are, as a result of a conflict of interest between them and the child victim, precluded from ensuring the child's best interest or from representing the child. In the event of a conflict of interest between the guardian and the child victim, a different guardian shall be appointed.

(2) An advocate shall be appointed without delay to act in the interests of a minor, in accordance with The Civil Court (Family Section), The First Hall of the Civil Court and The Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) Regulations, who shall assist and represent the interests of a minor who is a victim of trafficking in persons.

S.L. 12.20.

(3) In cases where the age of the person cannot be determined with certainty and there are reasons to believe that the person is a minor, that person shall be presumed to be a minor and shall be entitled to receive immediate access to assistance, support and protection in accordance with sub-articles (1) and (2):

Provided that such assessment shall be made in accordance with applicable procedures on age assessment.

(4) Specific actions to assist and support child victims of trafficking in persons shall be taken by the Victim Support Agency and other relevant entities as necessary. Such actions shall include short and long term measures aimed at contributing towards physical and psycho-social recovery, which actions shall be undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns with a view to finding a durable solution for the child, including programmes to support their transition to adulthood in order to avoid re-trafficking.

(5) Child victims of trafficking in persons shall be provided with access to education.

(6) Measures shall be taken, where appropriate and possible, to provide assistance and support in accordance with the provisions of this Act to the family of a child victim of trafficking in persons when the family is present in Malta.".

Substitution of article 18 of the principal Act.

14. Article 18 of the principal Act shall be substituted by the

following new article:

"National Referral Mechanism for trafficking in persons.

18. (1) Without prejudice to any other referral mechanisms, a National Referral Mechanism shall be established for the referral of victims of trafficking in persons in accordance with article 18B(1), which mechanism shall include, *inter alia*, representatives of relevant public entities and service providers, which may include non-governmental organisations, as required.

(2) The National Referral Mechanism established in sub-article (1) shall also include a focal point for cross-border victims identified from among the members of the National Referral Mechanism.

(3) The functions of the National Referral Mechanism shall include:

(a) the establishment of indicators and standards to enable the detection and early identification of victims of all forms of trafficking in persons and exploitation stipulated in Sub-Title VIII Bis of Title VIII of Part II of Book First of the Criminal Code, and adapting the procedures for such detection and identification to the various forms of exploitation;

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(b) the referral of victims to the most appropriate support and assistance; and

(c) liaison with the International Protection Agency to ensure that assistance, support and protection is provided to victims of trafficking in persons who require international protection or want to apply for such protection, taking into account the victim's individual circumstances.".

15. Immediately after article 18 of the principal Act there shall be

Addition of new articles to the principal Act.

added the following new articles:

"Training.

18A. Training shall be provided, *inter alia*, by the National Anti-Human Trafficking Coordinator to officials and professionals likely to encounter victims or potential victims in trafficking in persons, including frontline police officers, court staff, assistance and support services, labour inspectors, social services and healthcare workers, members of the judiciary and prosecutors. The training shall be aimed to enable the prevention and combating of trafficking in persons and to avoid secondary victimisation, as well as to detect, identify, assist, support and protect victims. Such training shall be human rights-based, victim-centred, and gender, disability and child-sensitive.

National Anti-Human Trafficking Coordinator.

18B. (1) The Ministry responsible for equality shall assume the function of National Anti-Human Trafficking Coordinator and it shall work with relevant national entities and organisations, including non-governmental organisations, in particular, but not exclusively, with a view to:

(a) coordinate the National Strategy and Action Plan on Combating Trafficking in Persons;

(b) establish the National Referral Mechanism, which shall involve all relevant public entities, including service providers, supported by the Victim Support Agency; and

(c) record, produce and provide anonymised statistical data to monitor the effectiveness of the systems in place to combat offences concerning trafficking in persons.

(2) Anti-trafficking measures shall be monitored by a body within the Ministry responsible for equality, which shall submit reports on matters requiring special attention, and carry out assessments of root causes and trends in trafficking in persons. Such body shall also:

(a) assess trends in trafficking in persons;

(b) evaluate results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in the field;

(c) set up contingency response plans to prevent the threat of trafficking in persons in the event of major emergencies; and

(d) promote, coordinate and, where appropriate, finance programmes against trafficking.

Data collection and statistics.

18C. In the exercise of the function established in article 18B(1)(c), the statistical data to be collected shall, as a minimum, include data available at the central level on:

(a) the number of registered identified and presumed victims of offences concerning trafficking in persons, disaggregated by registering organisation, sex, age groups, children or adults, citizenship, and form of exploitation, in accordance with national law and practices;

(b) the number of persons suspected of the offences concerning trafficking in persons, disaggregated by sex, age groups, children or adults, citizenship, and form of exploitation;

(c) the number of persons prosecuted for offences concerning trafficking in persons, disaggregated by sex, age groups, children or adults, citizenship, form of exploitation, and nature of the final decision;

(d) the number of prosecution decisions, that is charges for offences concerning trafficking in persons, charges for other criminal offences or decisions not to prosecute;

(e) the number of persons convicted for offences concerning trafficking in persons, disaggregated by sex, age groups, children or adults, and citizenship;

(f) the number of court judgments that is, acquittal or convictions for offences concerning trafficking in persons; and

(g) the number of persons suspected, persons prosecuted and persons convicted for the offence under article 248F of the Criminal Code disaggregated by sex and age groups, children or adults.".

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Objects and Reasons

The objects and reasons of this Bill are to transpose into national law Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, by *inter alia* introducing specific offences of trafficking in persons for the purposes of forced marriage and exploitation of surrogacy, while also extending the application of aggravated circumstances. The Bill also provides for specialised assistance and support to victims of trafficking, introduces specific safeguards for child victims, establishes a National Referral Mechanism for trafficking in persons, and designates the Ministry responsible for equality as the National Anti-Human Trafficking Coordinator.

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