**­­Questionnaire on contemporary forms of slavery**

Input from the Republic of Malta

**1. Is there evidence of minorities being subjected to contemporary forms of slavery (e.g. forced labour, bonded labour, forced/child marriage, descent/caste-based slavery and related practices) in your country/community? If so, please provide information relating to the profiles of victims and the nature and extent of their exploitation and abuse. What additional traits and characteristics, including gender, age, sexual orientation and disabilities, have made them more vulnerable?**

Malta does not have any evidence suggesting such minorities being subjected to contemporary forms of slavery in the Maltese islands.

However, over the years Malta experienced cases of human trafficking for labour and sexual exploitation, mainly involving victims from third countries. From statistics of the Human Trafficking services within the Foundation for Social Welfare Services (FSWS), it seems that forced labour is the prominent type of human trafficking reported among cases at Agenzija Appogg, particularly so in the hospitality and healthcare industries. Since 2018, the majority of cases were made up of foreign nationals. Culture and language barriers further increased an individual’s risk for being subjugated and manipulated. In addition, from 2018 to Jan-June 2021, the majority of cases were consistently female and, predominantly, in the same period, most cases were of individuals between their mid-twenties to mid-thirties.

Moreover, given Malta’s ever-growing diversity in its population, the risk of forced marriage, one of the forms of gender-based violence which falls within the scope of the Istanbul Convention, is increasingly becoming a concerning reality. No official statistics exist for this form of slavery. Additionally, reports of such appear very rarely in the media[[1]](#footnote-1). This lack of data means there cannot be disaggregation according to perpetrators or victims’ personal characteristics. No cases of forced child marriages or caste-based slavery were reported to Agenzija Appogg within FSWS.

In addition, the human trafficking service within FSWS was not approached or did not refer any victims with disabilities.

**2.  What types of personal, situational, and structural factors push minorities into contemporary forms of slavery in your country/community?**

On a personal level, victims may be unaware of their rights or of the fact that a crime is being committed in their respect. Additionally, a lack of awareness amongst the public and insufficient training for professionals might also imply that victims’ access to protection and support is restricted. The Commission on Gender-Based Violence and Domestic Violence continues its efforts to remedy these deficiencies through public awareness raising initiatives and capacity building activities amongst professionals.

In cases of migrants sending money back home, financial constraints, homelessness, poverty, and language barriers seem to have a great impact on the trafficking process as well as other areas of their lives. The abovementioned seem to also be factors as to why individuals find it difficult to leave a trafficking situation. The *Migrant Integration Strategy and Action Plan for 2020* (particularly pp. 7 and 8) highlights the difficulties faced by migrants because of racism, language barriers, access to services etc. As indicated in this strategy, structurally and socially, migrants and foreign workers seem not to be provided with enough opportunities for integration into the Maltese society. Systemically, social mobility seems difficult even if one does not pertain to one of these vulnerable groups.

Foreign workers are further put at risk because of work permits being issued on the employer which seem to give them even less control over the process of getting a job in a foreign country, and which may enhance the fact that individuals would not fully know the process of recruitment as well as their rights as employees. Language barriers are also a large method by which traffickers often keep control over their victims.

Most service users that have been exploited for sexual purposes, were women. There seem to have been no notable difference between males and females in cases of labour exploitation.

**3.  Are there wider political, economic, social, religious and cultural factors making persons belonging to minorities vulnerable to these practices?**

Human traffickers typically target third country nationals, who may be less familiar with the language and institutions in the country.

Moreover, one factor which may increase the vulnerability of minorities is cultural relativism. Forced marriage may be perceived to be a traditional practice for victims and perpetrators, depending on their cultural upbringing. On the other hand, forced marriage violates children’s rights which national stakeholders seek to protect. This difference in understanding might create a barrier between victims and perpetrators and professionals, which may hinder effective delivery of service provision and administration of justice.

Economic and social Factors are one of the biggest forces that keeps individuals in such situations, along with threats and other methods of coercion, economic constraints, including needing to send money to families abroad, and trying to survive in a society they are not fully familiar with.

People coming from cultures which are particularly stereotyped as most complacent and ‘obedient’ seem to find it difficult to leave a trafficking situation. They also seem to be recruited for roles which are also stereotypically attributed to certain cultures or races, for instance, the Asian carer and the Eastern European sex-worker. Since 2017, a large portion of service users at the human trafficking service of Agenzija Appogg within FSWS, came from such cultures.

**4.  What has your government done at the local, national, or regional levels to protect minorities from being subjected to contemporary forms of slavery in your country? Please share examples.**

The Malta Police Force collaborate on a regular basis with all key stake holders, governmental or non-governmental, involved in THB with the scope of providing potential victims of THB with the best services possible irrespectively of whether these fall under the category of vulnerable minorities or otherwise. The Malta Police Force also tries to raise awareness through their official social media channels especially during specific days and weeks dedicated to THB awareness either locally, within the EU sphere of influence or as part of global initiatives.

Moreover, in Malta human trafficking and similar crimes are addressed at national level, with respect to either prosecution or victim protection. The government has investigated and prosecuted more suspected traffickers and maintained convictions with significant sentences, and has trained more officials, increased funding for victim assistance and prevention.

The government has increased law enforcement efforts, for example, the criminal code has criminalized sex & labour trafficking, whereby it prescribed sentences ranging between 6 – 12 years imprisonment. For instance, sex trafficking is viewed in similar light as other serious crimes such as rape. Investigations and prosecutions both increased in 2020 compared to 2019. (TIP Report, June 2021, pg. 397)

In 2018, the former Domestic Violence Act was replaced by the Gender-Based Violence and Domestic Violence Act (Cap.581), which enabled the necessary legislative amendments to bring the Maltese legal framework to be in full conformity with the Istanbul Convention. Through this amendment, legal provisions which sanction forced marriage were improved. Additionally, in 2020, a specialised unit was set up in Malta Police Force to specifically respond to cases which qualify as gender-based violence (as is the case with forced marriage). Through this unit, and other channels, victims may also be directed to receive support services which are tailored to address their emotional, social, and legal needs. Non-governmental organisations (e.g., Women’s Rights Foundation and Victim Support Malta) and governmental entities (e.g., Foundation for Social Welfare Services and the recently inaugurated Victim Support Agency) are some sources of support.

Since 2019, the Government of Malta has initiated a reform with regard to the fight against trafficking, which aims to improve the coordination of current processes and to be proactive in fighting all forms of human trafficking. The government is working alongside non-governmental entities in order to work on a strategy. The Human Rights Directorate is responsible for this reform and acts as the coordinating body for the numerous actors working in the fight against human trafficking.

Event and media campaigns have been carried out by the Human Rights Directorate, for example, ‘Human Like You’, which is a campaign on social media with the aim to raise awareness. ‘Child Labour Day’ is an international day on the 12th of June is also marked. A campaign entitled ‘Victims’ Voice Lead the Way’, with the goal to raise awareness among the public regarding trafficking was also launched. During this outdoor campaign, survivors of trafficking were given a voice by sharing stories of their experiences. This campaign was enhanced through the usage of social media and online newspapers.

The role of culture for social inclusion, wellbeing and cohesion of society in partnership with other sectors is vital and is acknowledged by Malta in the recently promulgated National Cultural Policy (NCP2021) in 2021. This policy provides cross sectoral policy action intended to harness the possibilities offered by the cultural sector particularly to combat exclusion in all its forms and polarisation at grass root level. The role for culture here is ample and requires a deeper partnership with the specialised entities working in this sector for more sustainable and long-term projects that will facilitate integration and cohesion through culture and the arts. The NCP 2021 proposes the creation of socio-aesthetic community spaces and events where community participants and artists can explore individual ways of action and the shaping of a collective, collaborative process. This is where newly emergent and established community members can come together to build stronger ties and cohesive communities through culture. The identification and development of community cultural spaces or cultural hubs on a local or regional basis should focus on underutilized resources in localities and serve as de-centralised multi-genre activity centres for cultural and creative practices.

Furthermore, Malta recognises the invaluable role of NGOs, Local Councils, cultural societies, religious organisations and community leaders and representatives in sustaining dialogue and cohesion. It is vital therefore to introduce the role of community cultural mediators at the local government level that can facilitate creative activity to reflect the more diverse cultures in our communities. The NCP 2021 looks at investment and capacity building at this level in order to ensure stronger civic engagement. Postgraduate programmes in anthropology, archaeology, education, history of art, history, museum studies, and related disciplines are encouraged to contribute to the development of these competencies in tomorrow’s professionals.

Malta believes that through these measures it is possible to create a more inclusive and cohesive society which actively combats the spread of deleterious practices which are harmful to minorities.

**5.  What have non-governmental entities, including businesses and educational institutions, done to provide equal access to decent work and quality education in your country? Please share examples.**

The Lino Spiteri Foundation assists persons with disabilities or other disadvantages with finding and retaining employment.

The Blue Door Foundation run by volunteers offers English courses to migrants in Malta. Apart from its meals too, the Soup Kitchen in Valletta also offers computer classes.

The NGO Kopin has set a project called *‘Il-Fanal’* (Maltese for Lighthouse). This project offers psycho-social support to asylum seeking minors who attend State Schools in Malta. Kopin also provides training to both refugee women and to healthcare professionals in the field of sexual and reproductive health. This focuses also on awareness training and cultural orientation, which both aid in the fight against trafficking. Kopin also has a module called *‘Ibda L-Bidla’* (Initiate Change) which aims at creating awareness on migration, and topics such as fair trade, hate speech, and discrimination.

**6. What has been the role of civil society organisations, faith-based organisations, trade unions, and human rights defenders in protecting minorities from being subjected to contemporary forms of slavery? Please share examples.**

Worldwide there is consensus that victims of THB do not trust law enforcement agencies much and hence the civil society and faith based organizations, trade unions and human rights defenders become very important liaison agents between these victims in need of assistance and the executive powers of the state which are necessary to be done.

Shelters such as YMCA, Dar Papa Frangisku, Dar Osanna Pia, Dar Teresa Spinelli and Dar Patri Leopoldo (Suret il-Bniedem) have provided shelter to minorities, which are prone to modern slavery practices.

The International Organization for Migration (IOM), has supported the Maltese authorities in assisting vulnerable groups and children. IOM trained several groups, such as law enforcement authorities, social services, the private sector, migrants’ associations, and civil society organisation. The goal was to identify, refer, protect, and assist victims of trafficking, focusing on children, and also on the investigation and prosecution of cases.

Kopin aims at empowering refugees in Malta. Kopin has provided voluntary services for women and children who reside at Dar il-Liedna in Fgura, which is managed by the Agency of the Welfare of Asylum Seekers (AWAS).

**7.  What has been the impact of the COVID-19 pandemic on minorities, including the related adopted measures and its social or economic effects with regard to contemporary forms of slavery? What actions has your government taken to protect them?**

During the partial lockdown of early 2020, the Commission for Gender Based Violence and Domestic Violence increased its efforts to raise awareness about the forms of violence which usually take place behind closed doors (including forced marriage). The team prepared an extensive awareness raising campaign on various Maltese news portals whereby messages were disseminated in various languages, including third country languages, to try and reach the highest number of victims and make them aware of support services that they may reach out to.

On the other hand, the Covid-19 pandemic has impacted the economic and labour market negatively which have a huge impact on people’s lives and their lifestyles. Minorities working within the informal sector are at risk as wages may decrease and their employer may easy terminate them, making them vulnerable to exploitation. Due to less job opportunities, trafficked individuals might also be less likely to seek help due to fear of not finding a job due to the pandemic. In turn, this also strengthened their fear of being deported due to loss of employment. Legal restrictions on economic activity may be increasing risks of exploitation in other contexts.

Efforts to prevent human trafficking in Malta have mainly focused on awareness-raising campaigns and training to front liners to learn to recognize the signs of human trafficking.

The government also offered a grant for business that had to be closed down during the partial lockdown in order for the employers to keep paying the wages of the employees.

**8.  What are persisting obstacles/challenges in preventing minorities from being subjected to contemporary forms of slavery?**

Through the Human Rights Directorate the Maltese Government is committed to put in place a national strategy on THB that is that is effective especially with respect to labour exploitation. Government must also balance the needs of a growing economy (pre covid) with maintaining an adequate degree of due diligence within departments and entities that process applications for employment /entry and work visas from countries renowned to be source countries of THB both in terms of labor as well as sexual exploitation.

Language barriers, dependency on the perpetrator, cultural relativism, distrust of public officials and lack of awareness of individual rights, and lack of access to information and limited access to social services, are some obstacles which increase the risk of minorities to be subjected to contemporary forms of slavery. Minorities may also face marginalization and stigma which limit job opportunities, and thereby increases their risk of being trafficked and accepting certain abuse.

Immigrants without a legal status makes them vulnerable to exploitation. They are more at risk of working in the black market which is often characterized by working long hours in hazardous conditions.

**9. What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities? How actively are such mechanisms used by members of minorities and to what extent have they been able to access justice and remedies? What are the main obstacles/challenges in this regard?**

All reporting systems available in Malta, including reporting to the Police, may be availed off by any person, irrespective of nationality. In case an asylum-seekers claims to have been subjected to contemporary forms of slavery in Malta, the matter would, subject to his or her consent, be referred to the competent authorities for the national investigations and follow-ups (e.g. Police and Victim Support Agency).

Crimes such as forced marriage can be reported through various channels. The national helpline 179, the police, the Emergency (A&E) Department or personal contact with social support services are all means with which a victim may access social, emotional and/or legal support. Again, language and cultural barriers may hinder a person’s access to such services.

Although the number of minorities making use of these services is not available, awareness on modern slavery in the local context is increasing. Through the All Equal Project information sessions are being given to professionals working with individuals who may be vulnerable, to increase awareness on human trafficking and teach professionals how to identify signs of HT. Advertisements on this phenomenon are also being published on social media.

One of the main challenges faced by minorities in establishing initial contact to seek out for help is fear. These individuals may find themselves in a new environment and do not know who they can trust. Thus, disclosing their experience with a professional may seem intimidating.

Another obstacle to seeking help is the employer. The trafficked individual may be under constant supervision, thus cannot reach out to services. The individual may also not have a phone, access to internet, and might not be able to go out.

Individuals may not be aware that they are being trafficked, especially if they trust the trafficker, which might also prevent the individual from contacting FSWS.

**10.  What recommendations do you wish to propose in order to effectively address these ongoing challenges and protect minorities from contemporary forms of slavery?**

* Increased scrutinized by the competent authorities with the greatest extent of due diligence of all applications for persons coming into the Maltese Islands for work or other reasons, especially from countries that are known to be sourced by potential THB Victims.
* More awareness initiatives need to be invested in at national and international levels to enable mutual recognition of forced marriage as child abuse and its consequences, including in countries where this is an accepted norm. The transnational dimension of contemporary forms of slavery also requires that greater efforts and cooperation is expended by law enforcement across the globe.
* More training relating to Human Trafficking to members of the Judiciary and to other front liners such as the Police force.
* The carrying out of regular reviews regarding laws that might have some lacunas or create a leeway for abuse.
* Provision of (financial) compensation to victims prior to their commencement of full employment.

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1. For example: <https://www.maltatoday.com.mt/news/court_and_police/103473/syrian_in_forced_marriage_attempt_charged_with_maltas_first_honour_crime_#.Yep37erMKUl> [↑](#footnote-ref-1)