**Questionnaire on the nexus between displacement and contemporary**

**forms of slavery**

**Feedback of the Government of Malta**

**1. Is information/evidence available regarding displaced persons such as asylum seekers, refugees, internally displaced persons (IDPs) and stateless persons being subjected to contemporary forms of slavery in your country?**

Malta does not have internally displaced persons; however, applications for international protection are received from persons who claim persecution or other abuses in their respective countries of origin.

**(a) If so, what is the country of origin of the affected persons?**

See above. Typical countries of origin include Philippines, Ukrainian and Vietnamese but also China and Africa (mainly West Africa).

**(b) What is their migration status, if any?**

Victims are mainly third country nationals who enter Malta legally (with a work permit) but are subsequently exploited by their employer. However, there are also cases of asylum seekers.

**(c) Which contemporary forms of slavery are they subjected to (e.g. bonded labour, forced labour, forced marriage, sexual slavery, domestic servitude, or other forms of exploitation)?**

The main forms of slavery encountered are forced labour and domestic servitude. There were also some cases of sexual exploitation. Statistics for persons considered to be victims of human trafficking for the last five years are as follows:

|  |  |  |
| --- | --- | --- |
| **Year** | **Number** | **Form of exploitation** |
| 2015 | nil | Labour exploitation |
| 2016 | 31 | Labour exploitation |
| 2017 | nil | Labour exploitation |
| 2018 | 34 | Labour exploitation |
| 2019 | nil | Labour exploitation |

**(d) Are particular industries more likely to be involved in the exploitation of displaced persons?**

Cases of trafficking for labour exploitation typically involve the following sectors: Cleaning sector, domestic work, and care services. The construction industry is often involved through labour exploitation. Aġenzija Appoġġ within the Foundation for Social Welfare Services also encountered cases of domestic servitude where private homes were involved.

**(e) Are displaced persons housed in settlements/camps/refugee centers/detention centers or similar settings? Does the exploitation happen in the same setting or in a different context? Please provide any available details, including (disaggregated) data.**

Many individuals were provided accommodation by their employer. Others resided in open centres or reside within the community.

**(f) What measures are in place to prevent slavery/exploitation in camp/refugee centre settings?**

The Criminal Code (Cap 9 of the Laws of Malta) criminalizes all form of human trafficking foreseen by the Palermo Protocol. The Code, as well as other provisions, including the Victims of Crime Act (Cap 539), provides for protection and provision of assistance to victims.

**(g) How does the exploitation of displaced persons differ (in prevalence or extent) from the exploitation of nationals in the country?**

There are instances where due to the lack of knowledge of Malta’s laws and their rights, the person is exploited on his/her wage and other social benefits.

**2. Is there a gender dimension to exploitation and if so, in what way?**

Yes, women are mainly exploited in domestic servitude. There are also some cases of sexual exploitation. Yet, while cases involving women appear to be more common, men have also been subjected to abuse.

**3. Are other sub-groups within displaced persons (e.g. stateless persons, LGBT, disabled persons, younger/older persons, affected by different forms of slavery and if yes, in what way?**

N/A.

**4. Is there any indication/evidence that domestic rules and/or legislation related to the regulation of displaced persons contribute to an increased vulnerability of displaced persons to exploitation?**

No.

**5. Are the same labour standards applicable to all categories of displaced persons, including IDPs? Are these standards the same as those applicable to (other) nationals of the country?**

Yes, labour standards set in Maltese law apply to all workers.

**6. For States which are parties to the Convention Relating to the Status of Refugees 1951 and the Convention Relating to the Status of Stateless Persons 1954, are refugees and Stateless persons granted the same treatment in relation to, for example, remuneration, hours of work, overtime arrangements, annual leave, collective bargaining and social security benefits in accordance with common Article 24? If not, why not?**

If statutory conditions are met, persons with a refugee status are granted the same social security benefits as Maltese citizens. This also applies in case where the stateless person is considered as a refugee. Labour standards set in Maltese law, including working conditions, apply to all workers, including refugees and beneficiaries of subsidiary protection among others.

**7. What arrangements (in law, policy and practice) are there for protection of the labour rights of displaced persons for States not parties to these instruments?**

Labour standards set in Maltese law, including working conditions, apply to all workers, including refugees and beneficiaries of subsidiary protection among others.

**8. Are there mechanisms for ensuring that displaced persons victimised in contemporary forms of slavery can report such treatment without endangering their status or stay in the country?**

Yes, victims can file a report through the service of Support line 179 and also through the Human Trafficking Service. Both services are offered by the Foundation for Social Welfare Services (FSWS) within the Ministry for Social Justice and Solidarity, the Family and Children’s Rights which is the national service provider in social welfare services.

The Human Trafficking service and the Support line 179 are provided through Aġenzija Appoġġ which is one of the three Agencies and three (3) Directorates forming part of FSWS. Aġenzija Appoġġ is the Agency providing support for children and families and it safeguards and promotes the well-being of these persons through the development and provision of psycho-social welfare services. Aġenzija Appoġġ also offers safe accommodation and other forms of assistance to victims of human trafficking, so as to ensure that they may reside independently of their former exploiters.

Moreover, all persons who experience exploitation may report to the Police. Persons recognised as victims of human trafficking who are cooperating with the Police are issued with a permit to stay in Malta, as well as to seek employment.

**9. Do displaced persons victimised by contemporary forms of slavery have effective access to justice, remedies and compensation? What barriers are encountered in practice? Are such remedies available even if/after the individual has returned to their country of origin?**

Access to justice is available to all persons who have suffered exploitation in Malta, including compensation regulated at law. Those who request the support (e.g. since they do not have means to pay for such a service) through the Aġenzija Appoġġ are referred to the Legal Aid assistance.

**10. What mechanisms are in place to hold businesses, employers and criminals who engage in exploitation of displaced persons accountable in your country?**

There are provisions in the Laws of Malta to prohibit such exploitation, namely the following:

The Chapter 9 of the Criminal Code, Article 248A (1) prohibits the trafficking of a person of age for the purpose of exploitation in the production of goods or provision of services:

“Whosoever, by any means mentioned in sub article (2), traffics a person of age for the purpose of exploiting that person in:

• the production of goods or provision of services; or

• slavery or practices similar to slavery; or

• servitude or forced labour; or

• activities associated with begging; or

• any other unlawful activities.”

In addition, Articles from 248A to 248E in the Criminal Code refer “Of the Traffic of Persons”

* Malta, Criminal Code (Kodiċi Kriminali), 10 June 1854 and subsequent amendments, Article 248A (1), available at: <https://legislation.mt/eli/cap/9/eng>
* There is also the Young Persons (Employment) Regulations (Legal Notice No. 440 of 2003) which legislates on the “Elimination of child labour, protection of children and young persons”. Available at: <https://legislation.mt/eli/sl/452.92/eng/pdf>

The White Slave Traffic (Suppression) Ordinance Chapter 63 of the Laws of Malta prohibits any person from compelling by means of violence or threats or inducing by deceit any person to leave Malta or to come to Malta for the purposes of prostitution. Article 3 stipulates a higher punishment for the inducement of a person under the age of 21. Article 5 lays down that any person who detains a person against his will, in any brothel, is liable to imprisonment. Available at: <https://legislation.mt/eli/cap/63/eng/pdf>

In terms of the Criminal Code (Cap 9) entities that engage in exploitation may be subject to legal sanction, including winding down orders and confiscation of assets.

**11. Are mechanisms in place to protect exploited workers from prosecution for violations of labour/immigration laws in the country?**

Yes, mechanisms are in place in accordance with Malta’s labour legislation and the Immigration Act (Cap. 217). Specific sanctions against employers of illegally staying third country nationals are provided for by S.L. 217.14: Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third Country Nationals Regulations.

**12. What are wider challenges in preventing contemporary forms of slavery among displaced persons and in protecting victims?**

While Malta does not have internally displaced persons, increased public awareness is warranted on these contemporary forms of slavery for the public to report any suspicions of exploitation to the relevant authorities. Through the Human Trafficking Service, Aġenzija Appoġġ is working on this issue by organizing Roundtable meetings with all the involved stakeholders to increase collaboration and raise awareness. The service is also increasing access to information on Human Trafficking through an online platform where reports of any form of contemporary slavery can be filed. These efforts complement awareness campaigns from the Human Rights Directorate within the Ministry for Justice, Equality and Governance.

**Worst Forms of Child Labour as affecting displaced children**

**Please indicate if displaced children in your country are affected by any of the following practices stipulated in the Worst Forms of Child Labour Convention, 1999 (No. 182):**

**(a) forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;**

**(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;**

**(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;**

**(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.**

No such cases have been registered.

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