



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2017)3 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Malta

*adopted at the 20th meeting of the Committee of the Parties
on 10 March 2017*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Malta on 30 January 2008;

Recalling Committee of the Parties' Recommendation CP(2013)3 of 15 February 2013 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Malta and the report of the Maltese authorities on measures taken to comply with this recommendation, submitted on 16 February 2015;

Having examined the second report concerning the implementation of the Convention by Malta, adopted by GRETA at its 27th meeting (28 November - 2 December 2016), as well as the comments of the Maltese Government received on 27 February 2017;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combatting trafficking in human beings, by expanding the definition of trafficking in human beings to include forced labour and activities associated with begging among the purposes of exploitation, and specifying the irrelevance of the victim's consent to the intended or actual exploitation, where any of the means have been used;
 - the steps taken to put in place a National Referral Mechanism, defining the roles and responsibilities of stakeholders in detecting, identifying and referring to assistance victims of trafficking, as well as a list of indicators for identifying victims of trafficking and Standard Operating Procedures which are distributed to relevant governmental agencies and non-governmental organisations;
 - the efforts made to provide training on human trafficking to a range of professionals, thereby increasing capacity to identify victims;

- the measures taken to raise public awareness of human trafficking and to prevent trafficking for the purpose of labour exploitation;
- the further development of the legal framework for providing assistance to victims of trafficking through the adoption of a new Victims of Crime Act, which includes provisions regarding access of victims of trafficking to assistance and State compensation;
- the reinforcement of the Police Vice Squad which deals with investigating and in most cases prosecuting human trafficking cases.

2. Recommends that Maltese authorities take measures to address the following issues for immediate action identified in GRETA's report:

- step up their efforts to provide assistance, including safe accommodation, which is adapted to the specific needs of victims of trafficking, including to male victims;
- improve the identification and assistance of child victims of trafficking, in particular by:
 - taking measures to ensure that the procedure for the identification and referral to assistance of child victims of trafficking takes into account the special needs and circumstances of children, through developing a specific referral mechanism for children involving child specialists, child protection services and specially trained police officers and prosecutors;
 - ensuring that child victims of trafficking benefit from the assistance measures provided for under the Convention, including appropriate accommodation and access to psychological support and legal assistance;
 - stepping up their efforts to increase the training of relevant officials and staff on the identification of child victims of trafficking;
- amend the legal provisions on the recovery and reflection period by:
 - removing the need to co-operate with the authorities as a pre-condition for being granted a recovery and reflection period;
 - establishing the minimum duration of the recovery and reflection period at 30 days, during which time it is not possible to remove the victim or potential victim of trafficking from the country's territory;
 - ensuring that no termination of the recovery and reflection period is carried out on the grounds that victims or presumed victims have "actively, voluntarily and on their own initiative renewed contact with the perpetrators" without due regard to the person's individual situation, which involves an examination of his/her case;
- examine the reasons for the absence of compensation claims and awards to victims of trafficking and make additional efforts to guarantee effective access to compensation for victims of trafficking, in line with Article 15 (4) of the Convention, including through the systematic provision of legal advice and information;
- introduce as an aggravating circumstance the offence of trafficking in human beings committed against a child, regardless of the means used;
- take measures to ensure that crimes related to human trafficking are investigated, prosecuted and adjudicated promptly and effectively, including by providing regular training to judges and prosecutors on human trafficking and the rights of victims and encouraging the development of specialisation among judges and prosecutors.

3. Requests the Government of Malta to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **10 March 2018**.

-
4. Recommends that the Government of Malta takes measures to implement the further conclusions of GRETA's second evaluation report.
 5. Invites the Government of Malta to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.