

Issue I: Use of the Internet for drug-related activities

Recommendation 1

Governments should be encouraged to ensure that their law enforcement agencies are well informed, professionally trained and suitably resourced so as to be effective in the investigation of cyber-related offences and the related use of the Internet for illicit trafficking.

Any action taken YES NO

Comments:

Whenever law enforcement agencies are faced with any cyber offence, technical assistance from the Cyber Crime Unit within the Malta Police Force is sought. Investment in the Cyber Crime Unit being in human resources, training and equipment is an ongoing process. Moreover, the Cyber Crime Unit implements EU funded projects under the 'Internal Security Funds Programme' in order to strengthen its capacities. Besides, Drug Squad investigators attend courses abroad on the subject matter.

Recommendation 2

Governments must work together to overcome the obstacles encountered in undertaking the investigation of cyber-related trafficking offences across multiple jurisdictions and introduce the changes needed in legislation, practices and procedure to expedite information-sharing, enquiries with Internet service providers and the transfer of evidence.

Any action taken YES NO

Comments:

The Cyber Crime Unit within the Malta Police Force is the Maltese point of contact for 24/7 networks related to cyber offences including the 'Budapest Convention 24/7 Network' and the 'G7 24/7 Network'. Apart from that Maltese Law Enforcement also makes regular use of other police channels such as Europol and Interpol. Maltese Law Enforcement have also ratified legislation and been in receipt of a number of European Arrest Warrants (EAW) and European Investigation Order (EIO)

Recommendation 3

Governments should encourage their law enforcement agencies to develop the specialist skills that will support the investigation of cyber-related offences and lead to successful criminal prosecutions.

Any action taken YES NO

Comments:

Investing in human resources is a continuous process. A 'Training Needs Analysis' for the Cyber Crime Unit was conducted in a bid to identify specialized topics on which training should be offered. Throughout the current calendar year, the Cyber Crime Unit is in the process of recruiting cyber specialists who are not police officers.

Issue II: Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety

Recommendation 1

Governments are encouraged to make full use of alternatives to imprisonment for people with drug use disorders in contact with the criminal justice system, particularly at the time of their arrest and at the pretrial stage.

Any action taken YES NO

Comments:

The entry into force in 2015 of Chapter 537 of the Laws of Malta -‘Drug Dependence (Treatment not Imprisonment) Act’- sums up Malta’s action with regards to this recommendation. By virtue of this law, individuals brushing with the Criminal Justice System because of their drug habit are offered help and a chance to rehabilitate. This law makes provision for administrative fines which do not taint one’s criminal record and alternatives to mandatory imprisonment for offences for which mandatory imprisonment is in place, but are conducted to sustain a drug habit. Such alternatives include a probation order or a treatment order.

Recommendation 2

Governments are encouraged to promote and implement institutional mechanisms, including through induction and training programmes, that enable the police to screen, assess and refer appropriate cases to treatment facilities, taking into account their dual role as the first responders and the first criminal justice actors encountered by people with drug use disorders when they come into contact with the criminal justice system.

Any action taken YES NO

Comments:

Police officers dealing mostly with drug related offences are offered continuous courses abroad aimed at broadening their horizons with regards to the subject matter. In addition following the introduction of Chapter 537 of the Laws of Malta an ad hoc Drug Tribunal has been set up with the aim of aiding drug users to overcome their habit. Besides, this law created to the ‘Drug Rehabilitation Board’ a board which monitors people with a drug habit either sent before them by the Drug Tribunal or by the Court. This consequently created a scenario where police officers concerned are more able to guide people in need of help.

Recommendation 3

Governments are encouraged to adopt or amend legislation, policies, and guidelines that allow flexibility when handing down sentences for drug-related offences that take into account the nature and gravity of the offence as well as the personality and background of the offender.

Any action taken YES NO

Comments:

Article 8 of Chapter 537 of the Laws of Malta allows the Court of Magistrate's in Malta to transform itself into a Drug Court and hand down judgments which go below the minimum punishment prescribed by law. Basically, for offences not aggravated by violence and for which the maximum penalty does not exceed a certain period of imprisonment, and if there are sufficient grounds for which the court feels that such a crime has been committed to sustain one's drug habit, the court sends the case before the Drug Rehabilitation Board which, in turn, after a stipulated amount of time, has to report back to the court. Following this report, if the court feels there are strong enough grounds to sustain the theory that such a crime was committed in view of the offender's drug habit, then that court is allowed by law, to hand down a judgment below the minimum thus avoiding imprisonment and instead subjecting the accused to an alternative punishment.

Recommendation 4

Governments are encouraged to employ a multidisciplinary approach in providing treatment and rehabilitation as an alternative to conviction or punishment and to promote and develop the capacity for institutional coordination between justice, health, and social services authorities.

Any action taken YES NO

Comments:

Undoubtedly Malta is improving its ways in tackling drug related offences where victims of drug abuse are involved. Some of the mechanisms are in place. For instance as already explained the Criminal Justice System refers drug users before the drug rehabilitation board which in turn directs these users to seek appropriate medical and drug treatment.

Recommendation 5

Governments are encouraged to implement measures to increase public awareness of the benefits of using alternatives to imprisonment.

Any action taken YES NO

Comments:

On a National Level, conferences and talks describing the benefits of the newly introduced law and how such law benefits all society are ongoing.

Recommendation 6

Governments are encouraged to collect and analyze gender- and age-disaggregated data on the use of alternatives to imprisonment and, if applicable, to undertake periodic evaluation of existing initiatives to provide treatment as an alternative to conviction or punishment for people with drug use disorders.

Any action taken YES NO

Comments:

Data distinguishing people by gender and age are kept for all types of crime including those crimes which are drug abuse related and for which alternatives to imprisonment have been offered.

Issue III: Mainstreaming gender perspectives in drug-related policies and programmes

Recommendation 1

Governments are encouraged to collect and analyze gender-disaggregated data to obtain more information about the situation and circumstances of women drug users and the various roles women assume in drug-related crime and in organized crime groups with a view to developing and implementing effective and comprehensive policies and programmes.

Any action taken YES NO

Comments:

Data is collected in a manner which enables government to shed light on the drug situation in Malta with regards to women drug users in addition to enabling it to gather information about the roles assumed by women in drug related activities

Recommendation 2

Governments are encouraged to ensure non-discriminatory access to health-care services for women, including in prison, and to develop gender-sensitive prevention, primary care, treatment and reintegration policies and programmes, particularly for pregnant women and women with caretaking responsibilities.

Any action taken YES NO

Comments:

The Substance Misuse Out-Patients Unit (SMOPU) within Sedqa Agency, the National Agency Against Drug and Alcohol Abuse has a female doctor whose main focus is treating women with drug addiction problems. This doctor also looks into other gender specific health issues that arise from the abuse of drugs and the life associated to it. Health checkups are held for women seeing this doctor and relevant screening tests are carried out when necessary. This doctor is also involved with an NGO which offers services to women who are prostitutes.

Recommendation 3

Governments are encouraged to ensure close cooperation and collaboration among all relevant national authorities in developing and implementing gender-sensitive drug policies and programmes that take into account the specific needs and circumstances faced by women and girls with regard to the world drug problem.

Any action taken YES NO

Comments:

Sedqa Agency has established, throughout the past years a close collaboration with other entities for the benefit of female drug users. A case in point is a multidisciplinary meeting bringing together professionals who work with drug abusing pregnant women. This multidisciplinary meeting brings to the same forum, Sedqa employees in the care services, a Sedqa doctor, other NGOs which give services to this client group, nursing staff at the national hospital from the Anti-Natal and Post-Natal units, along with staff from the Neonatal Pediatric Intensive Care Unit and also a Pediatricians along with Child Protection Services. This service aims to follow drug abusing mothers especially those on opioids replacement therapy during their different phases in pregnancy as well as after giving birth. In this way pregnant women are encouraged and supported to ensure attendance and upkeep of medical appointments and psycho-social care offered by the agencies in order to lead the safest term of pregnancy possible. Moreover this prepares staff at hospital as to the needs that may arise in relation to the born child. Besides, Caritas has a new home for females following drug rehabilitation programmes.

Issue IV: Money-laundering, illicit financial flows and effective countermeasures

Recommendation 1

In support of the investigation of money-laundering offences and the recovery of the proceeds of crime, Governments are encouraged to enable access by their law enforcement authorities to the information held by their financial intelligence units.

Any action taken YES NO

Comments:

Under the Maltese Legal System, Financial Intelligence Analysis Unit (FIAU) and Law Enforcement Agencies (LEA) are able to share information about investigations held at their respective units, through the liaison officer that is designated for this purpose. While no direct access to such information is available, whenever a request for assistance, or a request to share information, is sent to the FIAU through this mechanism, this exchange is carried out efficiently and effectively. Where necessary, after the initial contact is made through the liaison officer, direct communication between the FIAU and the investigating officer is also possible, always keeping the liaison officer in copy with all such communications.

Recommendation 2

Governments are encouraged to ensure that evidence gathered through investigations of money-laundering offences by their financial intelligence units has legal standing in their courts if used in prosecutions brought by other law enforcement agencies.

Any action taken YES NO

Comments:

In Malta, all the work of the Financial Intelligence Analysis Unit is considered as “Intelligence”, and thus cannot be used as evidence in ongoing investigations or prosecutions. The information obtained from the intelligence unit will assist the LEA investigation officers on how and where to direct the investigation and what evidence can be obtained, normally through channels such as Mutual Legal Assistance requests, European Investigation Orders etc

Recommendation 3

Governments are encouraged to make use of the tools available for training and building the capacity of their law enforcement authorities, financial investigators and prosecutors available through the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime (UNODC) and other training institutions.

Any action taken YES NO

Comments:

We have never used this facility, although officers from the Police Economic Crimes Squad have participated in some UNODC training in particular with regards to corruption.

Recommendation 4

Governments are encouraged to share with UNODC the results of their national money-laundering risk assessments to facilitate a coordinated global response and to strengthen the capacity of competent authorities and financial institutions to thwart attempts at money-laundering.

Any action taken YES NO

Comments:

The NRA has been conducted but its findings and dissemination have to be authorized by government.