

ANTIGUA AND BARBUDA



THE TRAFFICKING IN PERSONS (PREVENTION) (AMENDMENT) ACT, 2015

No. 13 of 2015

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THE TRAFFICKING IN PERSONS (PREVENTION) (AMENDMENT) ACT, 2015

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

21st September, 2015.

ANTIGUA AND BARBUDA

THE TRAFFICKING IN PERSONS (PREVENTION) (AMENDMENT) ACT, 2015

No. 13 of 2015

AN ACT to amend the Trafficking in Persons (Prevention) Act, No. 12 of 2010 and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Trafficking in Persons (Prevention) (Amendment) Act, 2015.

2. Interpretation

In this Act—

“principal Act” means the Trafficking in Persons (Prevention) Act, 2010.

3. Amendment of section 7

The principal Act is amended in section 7 by repealing the letter “(k)” in sub-sections “(3), (4) and (5),” which makes references to sub-section “(2) (k)”.

4. Amendment of section 11

The principal Act is amended in section 11 by repealing the letter *(k)* in sub-section (3) *(a)*.

5. Amendment of section 13

The principal Act is amended in section 13 by repealing the entire section and substituting the following—

(1) A person commits the offence of trafficking in persons where, for the purpose of exploitation he—

- (a) recruits, transports, transfers, harbours or receives another person within Antigua and Barbuda;
- (b) recruits, transports or transfers another person from Antigua and Barbuda to another country; or
- (c) recruits, transports, transfers, or receives another person from another country into Antigua and Barbuda, by any of the specified means in subsection (2).

(2) The means referred to in subsection (1) are—

- (a) threat or use of force or other form of coercion;
- (b) abduction;
- (c) deception or fraud;
- (d) the abuse of—
 - (i) power; or
 - (ii) a position of vulnerability;
- (e) the giving or receiving of a benefit in order to obtain the consent of a person who has control over another person.

(3) Notwithstanding the absence of the use of any of the means specified in paragraphs *(a)* to *(e)* of subsection (2), a person who recruits, transports, transfers, harbours or receives a child for the purpose of exploitation of that child commits the offence of trafficking in persons.

(4) It shall not be a defence for a person who commits the offence of trafficking in persons that the offence was committed with the victim's consent.

(5) A person who facilitates the offence of trafficking in persons commits an offence.

(6) A person who commits the offence of trafficking in persons or who facilitates that offence is liable on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

(7) Every person who receives a financial or other benefit knowing that it results from the offence of trafficking in persons commits an offence and is liable on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

6. Amendment of section 14

The principal Act is amended in section 14 by repealing the words “summary conviction” and substituting the word “indictment”.

7. Amendment of section 15

The principal Act is amended in section 15 by repealing the words “summary conviction” wherever they appear and substituting the word “indictment”.

8. Amendment of section 16

The principal Act is amended in section 16—

- (a) by repealing the word “victim” in paragraph (b) and substituting the words “trafficked person”;
- (b) by repealing the words “summary conviction” and substituting the word “indictment”.

9. Amendment of section 17

The principal Act is amended in section 17—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—
 - “(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or
 - (b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

10. Amendment of section 18

The principal Act is amended in section 18 subsection (2) —

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—

“(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

11. Amendment of section 21

The principal Act is amended in section 21—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—

“(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

12. Amendment of section 22

The principal Act is amended in section 22—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—

“(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

13. Repeal of section 23

The principal Act is amended in section 23 by repealing the entire section.

14. Amendment of section 24

The principal Act is amended in section 24—

- (a) by repealing the entire subsection (1) and substituting the following—

“A person who advertises, publishes, prints, broadcasts, distributes or causes the advertisement, publication, printing, broadcast or distribution of information that facilitates or promotes trafficking in persons by any means, including the use of the Internet or other information technology; commits an offence and is liable on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years.”

- (b) by repealing in subsection (3), the rest of paragraph after the word “liable” and substituting the following—

“(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding five years.”

15. Repeal of section 25

The principal Act is amended in section 25 by repealing the entire section.

16. Repeal of section 26

The principal Act is amended in section 26 by repealing the entire section.

17. Amendment of section 27

The principal Act is amended in section 27 subsection (4) —

- (a) by inserting a hyphen after the word “liable”;

- (b) by repealing the entire subsection after the word “liable” and substituting the following—

“(a) on summary conviction in the case of an individual to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment in the case of an individual to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both; or

(c) on conviction on indictment in the case of a body corporate, to a fine not exceeding one million dollars.”

18. Amendment of section 43

The principal Act is amended in section 43—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—
 - “(a) on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years; or
 - (b) on conviction on indictment to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both.”.

19. Amendment of section 44

The principal Act is amended in section 44 subsections (1) and (2) —

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—
 - “(a) on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years; or
 - (b) on conviction on indictment to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both.”.

20. Repeal and substitution of section 53

The principal Act is amended by repealing section 53 and substituting the following—

“A person commits an offence and is liable—

- (a) on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years; or
- (b) on conviction on indictment to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both, if he
 - (i) removes a trafficked person from a place of refuge without lawful authority;

- (ii) knowingly assists or induces, directly or indirectly, a trafficked person to escape from a place of refuge; or
- (iii) knowingly harbours or conceals a trafficked person who escaped from a place of refuge, or prevents him from returning to the place of refuge.”.

21. Amendment of section 54

The principal Act is amended in section 54 subsection (5) —

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—

“(a) on summary conviction to a fine of fifty thousand dollars or to imprisonment for twelve months; or

(b) on conviction on indictment to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding three years or to both.”.

22. Insertion of section 72-Offences triable either on indictment or summarily

The principal Act is amended by inserting immediately after section 71 the following—

“72-Offences triable either on indictment or summarily

Where a person is charged with an offence that is, by virtue of any section of this act, both an indictable offence and a summary offence, the Director of Public Prosecution shall make a determination whether the charge is to be tried on indictment or summarily and direct accordingly.”.

Passed by the House of Representatives on the 18th July, 2015. Passed by the Senate on the 14th August, 2015.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams Grant,
President.

Ramona Small,
Clerk to the House of Representatives.

Ramona Small,
Clerk to the Senate.

No. 13 of 2015
2015.

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The Trafficking in Person (Prevention) (Amendment) Act,