

An anti-human trafficking article (Art. 286a SrA) was introduced to the Aruban Criminal Code in 2006, which is almost identical to the anti-human trafficking article (Art. 273f Sr) in the Dutch Criminal Code (Sr, in Dutch: *Wetboek van Strafrecht*). The following text is an unofficial translation of Article 286s of the Aruban Criminal Code.

1. Any person who:

(a) by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs;

(b) recruits, transports, moves, accommodates or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person has not yet reached the age of eighteen years;

(c) recruits, takes with him or abducts a person with the intention of inducing that person to make himself/herself available for performing sexual acts with or for a third party for remuneration in another country;

(d) forces or induces another person by the means referred to under (a) to make himself/herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under (a) which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labour or services or making his/her organs available;

(e) induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result in that other person making himself/ herself available for performing these acts or making his/her organs available for remuneration, when that other person has not yet reached the age of eighteen years;

(f) wilfully profits from the exploitation of another person;

(g) wilfully profits from the removal of organs from another person, while he knows or may reasonably be expected to know that the organs of that person have been removed under the circumstances referred to under (a);

(h) wilfully profits from the sexual acts of another person with or for a third party for remuneration or the removal of that person's organs for remuneration, when this other person has not yet reached the age of eighteen years;

(i) forces or induces another person by the means referred to under (a) to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs;

shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding six years and a AWG 100,000<sup>3</sup> fine, or either of these penalties:

2. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery, slavery-like practices or servitude.

3. The following offences shall be punishable with a term of imprisonment not exceeding eight years and a AWG 100,000 fine, or either of these penalties:

(a) offences as described in the first paragraph if they are committed by two or more persons acting in concert;

(b) offences as described in the first paragraph if such offences are committed in respect of a person who is under the age of sixteen.

4. The offences as described in the first paragraph, committed by two or more persons acting in concert under the circumstance referred to in paragraph 3 under (b), shall be punishable with a term of imprisonment not exceeding ten years and a AWG 100,000 fine, or either of these penalties.

5. If one of the offences described in the first paragraph results in serious physical injury or threatens the life of another person, it shall be punishable with a term of imprisonment not exceeding twelve years and a AWG 100,000 fine, or either of these penalties.

6. If one of the offences referred to in the first paragraph results in death, it shall be punishable with a term of imprisonment not exceeding fifteen years and a AWG 100,000 fine, or either of these penalties.

7. Article 261 is applicable *mutatis mutandis*.

When comparing the UN Protocol's definition of human trafficking with that of the Aruban Criminal Code's, the latter can readily be seen as encompassing all the elements highlighted in the former. This means that Article 286a SrA meets standards set by the UN Protocol for both adult and child trafficking.

Credit: Maduro, Letizia (2013) *A Situational Analysis of Aruba's Response to Human Trafficking*, Geneva: International Organization for Migration, pp. 26-28.