

The WARNATH GROUP

# **CONFERENCE/WORKSHOP ON HUMAN TRAFFICKING IN THE CARIBBEAN**

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**FEBRUARY, 2018**

## **HANDBOOK**



This training was funded by a cooperative agreement from the United States Department of State. The opinions, findings, and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.



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# The WARNATH GROUP

## ABOUT THE WARNATH GROUP

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The Warnath Group, LLC provides strategic advisory services, customized training, and professional/technical skill development to advance work by government, business, philanthropy, international organizations and CSR collaborations regarding human trafficking, rule of law, humanitarian issues, and global women's leadership and empowerment. The Warnath Group works with leaders in countries throughout the world to design and implement strategies, laws, policies and programs to address these issues more effectively and appropriately.

The Warnath Group (WG) team includes among the foremost professionals working on the issue of human trafficking in the world. Our trainers and advisors have served at the forefront of the development of law and policy on these and related issues around the world. The depth and breadth of specialized expertise that we bring to our work on this issue spans more than the past decade and a half. Over this fifteen year period our collective experience includes advising governments at the highest levels and training (and developing training material) for many hundreds of law enforcement and other professionals.

WG's trainers and advisors include former high-ranking government officials, police and prosecutors as well as prominent and award-winning experts in providing legal assistance and other care to those who have escaped human trafficking. The WG team includes former White House staff, former officials from the U.S. Department of Justice (particularly former prosecutors) and Department of State, former State Attorneys General (with experience addressing human trafficking and victims of crime issues), attorneys who have served as counsel representing victims of human trafficking and working with NGOs to advance the rights of victims, and experts in victim service provision, conducting research and analysis on human trafficking and collaborations between NGOs, law enforcement and other government officials.

The Warnath Group has been retained by the U.S. State Department to provide training and technical assistance to government officials, law enforcement, victim service providers and other professionals combating human trafficking in countries around the world. Our contract with the State Department was recently extended for an additional three years.

The head of the Warnath Group is Stephen Warnath who has worked to bring about policy, legal and social change to abolish contemporary forms of slavery for over fifteen years. These efforts grew out of his work in the Clinton Administration White House where his portfolio of justice policy issues included matters ranging from migration and refugees to civil rights and exploitation crimes. He also led the White House's interagency policy development of many of the Executive Orders signed by President Clinton. Later, he moved to the U.S. State Department and participated in the creation of seminal anti-trafficking instruments, including as a member of the U.S. delegation negotiating the U.N. Palermo Protocol and as an architect of development of the U.S. anti-trafficking law. Subsequently he worked for several years with the Organization for Security and Co-operation in Europe (OSCE) in Vienna serving as Chief of Staff of the Stability Pact Task Force on Trafficking in Human Beings (where, among other things, he participated in negotiations of the Council of Europe Convention on Action against Trafficking in Human Beings and the development of laws, policies and national action plans in many countries of South East Europe).

Mr. Warnath is also the founder and President of the NEXUS Institute, a policy and action-based research center on human rights and rule of law, specializing in research and analysis to identifying best practices to combat human trafficking ([www.NEXUSInstitute.net](http://www.NEXUSInstitute.net)). He is a co-author of a casebook on the law and policy of human trafficking to be published later this year. Before his public service in the government, Mr. Warnath was a litigation partner in a law firm in Washington D.C. He is a graduate of Harvard Law School and Brown University.

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## ABOUT THE WARNATH GROUP TEAM

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**Albert Moskowitz, J.D., M.A.** is a specialist trainer on human trafficking investigations, prosecutions and adjudications with the Warnath Group team. From 1999 to 2005, Mr. Moskowitz served as Chief overseeing the Criminal Section of the Civil Rights Division in the US Department of Justice (DOJ). In this position Mr. Moskowitz supervised federal prosecutions of human trafficking cases. His tenure saw a dramatic increase in the number of human trafficking cases investigated and successfully prosecuted. Mr. Moskowitz spearheaded the implementation of a victim-centered approach to human trafficking prosecutions. From 1992 to 1998 Mr. Moskowitz was Deputy Chief of the DOJ section he would later lead, overseeing a team of 26 trial attorneys and handling the section's most sensitive cases and obtaining a landmark Supreme Court decision upholding the sexual assault prosecution of a Tennessee State Court judge. Before that Mr. Moskowitz spent eight years as a trial attorney in that same section, prior to which he had served as a trial attorney in the federal public defender's office in the Western District of Missouri.

Mr. Moskowitz has years of international experience training and mentoring criminal justice actors, especially prosecutors, around the world. In South East Asia he served as judicial and prosecutorial advisor on AUSAID's Asia Regional Trafficking in Persons Project (ARTIP), overseeing the project's initiative to strengthen prosecutorial and judicial response to human trafficking in the ASEAN region. He now serves as the Regional Prosecutions Advisor for ARTIP's successor program, the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP).

Mr. Moskowitz's extensive international legal experience also includes serving as Legal Advisor to the International Criminal Tribunal for the Former Yugoslavia (ICTY), conducting war crimes investigations and prosecutions. From 2006 to 2007, Mr. Moskowitz was Director of the Department of Justice at the UN Mission in Kosovo (UNMIK), overseeing all aspects of the justice effort in Kosovo, including international prosecutions of major corruption and organized crime cases.

Mr. Moskowitz received his J.D. from the University of Missouri at Kansas City School of Law in 1978, and his M.A. in English Literature from the University of Michigan at Ann Arbor in 1972.

**Karen Rigby, M.S.** is a consultant. She has had a successful and rewarding career in the Public Service of The Bahamas that spanned several decades and ended with her retirement in 2017, having attained the position of Under Secretary, in the Ministry of National Security. Prior to this position, Ms. Rigby served as Deputy Permanent Secretary. Both as Under Secretary and Deputy Permanent Secretary, Ms. Rigby's responsibilities included Chair of the Bahamas' Inter-Ministry Committee on Trafficking in Persons (TIP Committee) where she was instrumental in bringing together and energizing all sectors of the Bahamian government to achieve a coordinated strategy to combat trafficking in persons.

Under Ms. Rigby's leadership as Chair of the Trafficking in Persons (TIP) Committee, The Bahamas received three (3) consecutive Tier 1 country ratings in the United States Annual Trafficking in Persons (TIP) Report, for the years 2015, 2016, and 2017. As Chair, she assisted with the development of victim protection protocols and was instrumental in the development of a National Action Plan that served as examples of best practices in the region. During her tenure as Chair, the Committee also designed an innovative educational program for schools and conducted outreach activities in vulnerable communities in an extensive campaign to raise public awareness about human trafficking. She oversaw the creation of Trafficking in Persons Standard Operating Procedures for multiple sectors in the Bahamas including social services, medical, labour, and law enforcement. She also ensured that police, immigration officers, prosecutors, social workers, medical personnel, labor inspectors and the Committee's civil society partners regularly received training to both identify and assist victims of human trafficking.

In 2016 Ms. Rigby was recognized as a Trafficking in Persons (TIP) Report Hero by the U.S. State Department Office to Monitor and Combat Trafficking for her devoted efforts to combat human trafficking.

As a career public officer, Ms. Rigby held positions in the top management of the Public Service for many years. She also served in the position of Administration and Human Resources Manager at the establishment of the Public Utilities Commission (now Utilities Regulation and Competition Authority--URCA) and in various senior administrative, educational and training capacities in the Public Service.

Ms. Rigby holds a Master of Science Degree in Educational Administration and Supervision from the University of Miami and a Bachelor of Science Degree in Business Education from the University of Minnesota. She also has the Certified Professional in Human Resources (PHR) from the Society for Human Resources Managers.

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## AGENDA

### Conference/Workshop on Human Trafficking in the Caribbean Bridgetown, Barbados February 15 & 16, 2017

Overview: This Conference/Agenda is designed to encourage open dialogue on the policy and day-to-day response to TIP cases among the representatives from Barbados and St. Vincent. There will be discussions of relevant issues and presentation of materials as well as some skills building exercise.

#### FEBRUARY 15, 2018

##### REGISTRATION & INTRODUCTIONS

9:00 – 9:45

- Sign-in / Receive Binder of Material and Clicker
- Welcoming Remarks from the Hon. Adriel Brathwaite, Attorney-General and Minister of Home Affairs of Barbados
- Introduction (Instructors and Attendees)
- Initial Audience Survey (Clickers)

##### MODULE 1: TRAFFICKING IN THE CARIBBEAN

9:45 – 11:00

- Attendee Presentation: Trafficking Situation in Barbados
- Attendee Presentation: Trafficking Situation in St. Vincent and the Grenadines
- Facilitated Discussion: Current profile of human trafficker in Region/ Barbados / St. Vincent/ - Karen Rigby

Morning Break

11:00 – 11:15

##### MODULE 1: TRAFFICKING IN THE CARIBBEAN, Continued

11:15 – 12:30

- Pre-Presentation TIP Law Questions (clickers)
- Presentation: TIP Law Overview includes U.N. Protocol and Local Laws – Albert Moskowitz
- Exercise: TIP Law Short Case Studies
- Post-Presentation TIP Law Questions (clickers)

Lunch

12:30 – 1:30

##### MODULE 1: TRAFFICKING IN THE CARIBBEAN, Continued

1:30 – 3:30

- Pre-Presentation Trafficking Indicators Questions (clickers)
- Presentation: Trafficking Indicators – Albert Moskowitz
- Post-Presentation Trafficking Indicators (clickers)
- Small Group Exercise: Brainstorm List of TIP Indicators
- Facilitated Discussions: CARICOM Freedom of Travel and TIP Victim – Karen Rigby

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**MODULE 2: STANDARD OPERATING PROCEDURES** 3:30 – 4:30

- Facilitated Discussion: Current TIP response when victim identified – Albert Moskowitz
- Attendee Presentation: Review of formal/informal SOP response in Barbados
- Attendee Presentation: Review of formal/informal SOP response in St. Vincent and the Grenadines

**FEBRUARY 16, 2018**

**RECAP FROM DAY ONE, OPPORTUNITY FOR QUESTIONS** 9:00 – 9:30

**MODULE 2: STANDARD OPERATING PROCEDURES, Continued** 9:30 – 11:15

- Pre-Presentation Standard Operating Procedures Questions (clickers)
- Presentation: Standard Operating Procedures – Karen Rigby
- Post-Presentation Standard Operating Procedures Questions (clickers)
- Group Work: ID sectors that Need SOPs, Checklist of topics to address in SOPs

**Morning Break** 10:30 – 10:45

**MODULE 3: INTERVIEWING** 11:15 – 12:30

- Pre-Presentation Interviewing (clickers)
- Presentation: Interviewing – Albert Moskowitz
- Post-Presentation Interviewing (clickers)

**Lunch** 12:30 – 1:30

**MODULE 3: INTERVIEWING, Continued** 1:30 – 4:00

- Exercise: Mock Interviews with Actors
- Facilitated Discussion: Critique of Mock Interviews
- Group Work: Create list of interview questions / topics

**CONCLUDING CEREMONY** 4:00 – 4:30

- Selection of “Bridge” Representatives
- Information on GeoPoll Follow-up Surveys
- Course Evaluation Surveys

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## Profile of Trafficker

**Conference/Workshop on  
Human Trafficking in the Caribbean  
February 2018**



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International Legal  
Definition of TIP

Conference/Workshop on  
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Why International Law?

- History of the TIP law in international law
  - UN Protocol in Palermo, Italy, 2000.
  - Why was a definition needed
  - How have States incorporated this definition
- Connection to national laws
  - Barbados TIP Law is Similar
  - SVG TIP Law is Similar

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International Definition of TIP

... the recruitment, transportation, transfer, harboring or receipt of persons, by the threat or use of force, deception, abuse of power or vulnerability, the giving or receiving of money to gain consent of another, for the purpose of exploitation. Exploitation shall include...the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery...or the removal of organs.

*(Art. 3, UN Trafficking Protocol)*

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3 Element Chart

| Act   | Means | Purpose |
|---|-------|---------|
| <ul style="list-style-type: none"><li>Recruit</li><li>Transport</li><li>Transfer</li><li>Harbor</li><li>Receipt</li></ul> |       |         |

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3 Element Chart

| Act   | Means   | Purpose |
|---|---|---------|
| <ul style="list-style-type: none"><li>Recruit</li><li>Transport</li><li>Transfer</li><li>Harbor</li><li>Receipt</li></ul> | <ul style="list-style-type: none"><li>Use of force</li><li>Threat of Force</li><li>Deception</li><li>Abuse of power or vulnerability</li><li>Giving/receiving money</li></ul> |         |

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3 Element Chart

| Act   | Means   | Purpose  |
|---|---|--|
| <ul style="list-style-type: none"><li>Recruit</li><li>Transport</li><li>Transfer</li><li>Harbor</li><li>Receipt</li></ul> | <ul style="list-style-type: none"><li>Use of force</li><li>Threat of Force</li><li>Deception</li><li>Abuse of power or vulnerability</li><li>Giving/receiving money</li></ul> | <ul style="list-style-type: none"><li>Exploitation</li></ul> |

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### 3 Element Chart

| Act   | Means   | Purpose   |
|---|---|---|
| <ul style="list-style-type: none"><li>Recruit</li><li>Transport</li><li>Transfer</li><li>Harbor</li><li>Receipt</li></ul> | <ul style="list-style-type: none"><li>Use of force</li><li>Threat of Force</li><li>Deception</li><li>Abuse of power or vulnerability</li><li>Giving/receiving money</li></ul> | <ul style="list-style-type: none"><li>Prostitution</li><li>Other forms of sexual exploitation</li><li>Forced labor</li><li>Forced service</li><li>Slavery</li><li>Removal of organs</li></ul> |

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### Special Exception for Children under International Law and the Laws of SVG and Barbados

If the victim is a child (under 18) only 2 elements are required:

Act + Exploitation = Trafficking

The Means element need not be proven

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### SVG: 3 Element Chart

| Act   | Means   | Purpose   |
|---|---|---|
| <ul style="list-style-type: none"><li>Recruit</li><li>Transport</li><li>Transfer</li><li>Harbor</li><li>Receipt</li></ul> | <ul style="list-style-type: none"><li>Use of force</li><li>Threat of Force</li><li>Deception</li><li>Abuse of power or vulnerability</li><li>Giving/receiving money</li><li>Abduction</li><li>Fraud</li><li>Other means of coercion</li></ul> | <ul style="list-style-type: none"><li>Prostitution</li><li>Other forms of sexual exploitation</li><li>Forced labor</li><li>Forced service</li><li>Slavery</li><li>Removal of organs</li><li>Causing a person to transport illegal items within or across borders</li><li>Deriving benefit through abuse of another person</li></ul> |

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## Barbados: 3 Element Chart

| Act   | Means  | Purpose  |
|---|--|--|
| <ul style="list-style-type: none"> <li>Recruit</li> <li>Transport</li> <li>Transfer</li> <li>Harbor</li> <li>Receipt</li> </ul> | <ul style="list-style-type: none"> <li>Use of force</li> <li>Threat of Force</li> <li>Deception</li> <li>Abuse of power or vulnerability</li> <li>Giving/receiving money</li> <li>Abduction</li> <li>Fraud</li> <li>Other means of coercion</li> </ul> | <ul style="list-style-type: none"> <li>Prostitution</li> <li>Other forms of sexual exploitation</li> <li>Forced labor</li> <li>Forced service</li> <li>Slavery</li> <li>Removal of organs</li> <li>Causing a person to transport illegal items within or across borders</li> <li>Deriving benefit through abuse of another person</li> </ul> |

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## Penalties

### Barbados

- Adult Victim: maximum - 25 years
- Child Victim: maximum - Life

### SVG

- Adult Victim: maximum -15 years
- Child Victim: maximum - an additional 20 years
- Aggravating Factors can add additional 20 years (serious injury, use or threatened use of a dangerous weapon, vulnerable victim, organized criminal group.)

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## Smuggling of Migrants is:

**. . . the procurement [of a person], in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of [that] person into a State Party of which that person is not a national or a permanent resident.**

(Art. 3, UN Migrant Smuggling Protocol)

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## Elements of Migrant Smuggling

- Procuring [assisting] a person to cross an international border **[Act]**
- The border crossing must be illegal **[Means]**
- To make a profit from moving the migrant across the border **[Purpose]**

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## Trafficking vs. Smuggling

- How are they different?
- How are they similar?

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## Indicators of Human Trafficking

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## What to Consider

1. Victim living/working conditions
2. Victims are different.  
They may have/not have  
personal/physical  
indicators.
3. Brothels
4. Labor camps/sweatshops



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## Worker Living/Working Conditions

- Live on or near work site
- Live in employer-controlled housing
- Restricted or controlled communication and transportation
- Moved often by traffickers
- Worker does not have possession of identity documents
- There may be injuries
- There may be a debt



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### Workers May Not Have. . .

- Personal items/possessions
- Cell phones, calling cards, etc.
- Private space
- Financial records
- Transportation
- Knowledge about where they are or how to get around in a community
- Understanding of their rights



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### Workers/Victims May Have

- Illness/untreated infections
- Injuries from beatings or use of weapons
- Signs of torture (e.g. cigarette burns)
- Brands or scarring indicating ownership
- Signs of malnourishment



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### Brothels

- Large amounts of cash and condoms
- Customer logbooks
- Men come and go frequently
- Many single mattresses



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## **Labor Camps/Sweatshops/Work Sites**

- Workers kept in/on site by confinement
  - Barbed wire
  - Bars on windows
  - Self-contained camps
  - Bouncers, guards, and/or guard dogs
- Little/no privacy
- Substandard food, accommodations
- Restricted movement
- Signs of abuse



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## **Challenges to Identification**

- Fear of authorities
- Trust issues
- Do not see self as a victim
- Shame/guilt
- Language
- Fear
- Unfamiliarity (location, laws, etc.)

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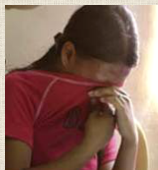
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## **Possible Clues to Identification (visual)**

- Lack of documentation
- Fearful, shy or submissive
- Inability to focus
- Cannot identify surroundings
- Angry, defiant
- Signs of abuse



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**Possible Clues to Identification  
(behavioral clues)**

- Signs of malnourishment
- Extreme nervousness
- Injuries
- No eye contact
- Afraid to speak
- Tattoos with possible significance

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**Additional Possible Indicators  
to Help with Identification**

- Was victim coached?
- Is the victim doing work that is different from what they were hired for?
- Is there an employment contract?
- Do they owe money to the employer?
- Can they freely leave the situation?
- What happens if they make a mistake?
- Have they been threatened?

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**Possible Indicators Continued**

- Have they been deprived of food, sleep, medical attention?
- Has their family been kidnapped?
- Are they free to contact family?
- Can they meet friends, go out?
- Are minors allowed to go to school?
- Can they go to church, temple, mosque or other place of worship?

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## Facilitated Discussion

### Response to Self-Identification of CARICOM Foreign Nationals in Country

#### Conference/Workshop on Human Trafficking in the Caribbean February 2018



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## Bahamas Response

- **SOPs** have been prepared by the Government to respond to cases of Trafficking in Persons in the Country
- The victim care services provided by the Government are available to the same extent to all victims and potential victims of trafficking whether they are domestic or foreign.
- The victim who self-identifies is referred to the appropriate members of the TIP Task Force (usually investigator in the Police TIP Unit, who begins an investigation; and advises the Ministry of National Security).
- **The Ministry of National Security** (TIP/Task Force Coordinator) calls a meeting of the National Task Force and reps. from NGOs on the Task Force, as soon as possible after information is received—it is treated with urgency.

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## Bahamas Response Continued

- **Investigator**, before the interview, informs the victim of the following:
  - Notification of victim rights
  - Explanation of the process of services, investigation
  - Reflection period
- **A case manager** is designated by Ministry of National Security and Social Services, who conducts a needs assessment; and ensures a risk and safety assessment is carried out to determine immediate health and safety risks of the victim or potential victim. The **needs assessment leads to the development of a service plan.**

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## Bahamas Response Continued

- **Social Services** ensures referrals for housing/shelter, transportation, counselling, food repatriation and other essential needs. Other agencies and NGOs identified as resources for referral to meet identified victim needs are contacted early.
- **Department of Public Health** arranges for medical evaluation.
- **Department of Immigration** provides authorization to all victims who are foreign nationals to stay in the country.
- **The Police** communicates case information to the Office of the Attorney General and the Office of the Attorney General and Department of Public Prosecutions Unit gives the final designation that a person is a victim of trafficking and will serve as prosecutors for the case.

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## Bahamas Response Continued

- **The Police Force** works with the Legal Aid Clinic as clinic attorneys provide legal information and assistance.
- Each member of agency of the Task Force has **confidentiality** included in their policies and procedures.

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## Response to CARICOM Nationals

- Assistance was provided to two (2) sex trafficking victims:
  - Adult Female Jamaican National
  - Adult Female Haitian National with a young child.
- Assistance included:
  - safe housing;
  - referrals including medical, and counseling services by professionals sensitized to TIP;
  - interpretation services;
  - provision of groceries;
  - clothing and toiletries;
  - a weekly stipend;
  - chaperoning; and
  - continuous visits throughout each week by the Social Services caseworkers and TIP Task Force members.

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## Response to CARICOM Nationals Continued

- 2016 - Six (6) potential minor victims placed into institutional care.
  - They were discovered among migrants involved in a human smuggling operation that was intercepted
  - The minors were transferred to the TIP Task Force to be interviewed for trafficking in persons
- Bahamas Red Cross assisted with
  - Clothing
  - Food
  - Medical Care

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## Response to CARICOM Nationals Continued

- 2017 - A 17 year old Haitian National. Placed in a children's home for three months while investigations taking place.
- Department of Social Services assisted with:
  - Food and Clothing
  - Education including
    - 1) money to purchase lunch at school
    - 2) preparation for examinations and
    - 3) transportation to sit final examinations, including the Bahamas General Certificate Secondary Education, (BGCSE's) examination
  - Counseling sessions
  - Doctors' visits

Upon completion of the investigations-- transferred back to her family members in Nassau.

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## Response to CARICOM Nationals Continued

- Services provided principally by the government and coordinated by the Department of Social Services; Government also partners where necessary with NGOs.
- TIP victims receive priority in services where possible.
- NGOs: Civil society and Faith-Based organizations including the Bahamas Red Cross, The Bahamas Crisis Centre, Civil Society Bahamas, the Alpha Kappa Alpha Society and the Anglican Church. The NGOs and private citizens also assisted the Department of Social Services with donations of specialty items for the victims.

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## Response to CARICOM Nationals Continued

**Department of Social Services** assigned a **Case Manager** to work directly with the TIP victims and coordinate their referral services.

The **Case Manager** monitors the victims to ensure that their concerns are addressed effectively and within a reasonable period of time, taking into consideration matters such as: nationality, language barriers, legal status in the country and health requirements.

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## Victim Immigration Relief

- The Government provides relief from deportation, for foreign victims of human trafficking, particularly those who may face retribution or hardship in the countries to which they would be deported.
- Under Section 14 of the Trafficking in Persons (Prevention and Suppression) Act the Director of Immigration can grant a human trafficking victim a visa to remain in The Bahamas for the duration of the investigation and criminal prosecution even if he/she would not otherwise have the right to remain.

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## Additional Points – Law Enforcement

- Victims were not charged for unlawful acts committed while being trafficked
- Law enforcement screens for trafficking when arresting victims suspected of prostitution, migrants or other vulnerable groups
- Victims encouraged to assist in investigation and prosecution
- Participation in criminal justice process is voluntary; victim issued with appropriate certificate, provided with food, shelter, a stipend, basic necessities, transportation to and from court.

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### **Additional Points - Trial**

- During trial, victim escorted to and from court, by a plainclothes officer and a social worker.
- The Criminal Evidence (Witness Anonymity) Act 2011 provides for the protection of the identity of witnesses during the investigations and criminal proceedings.
- Cases can also be tried in-camera; victims not in the country can provide testimony by video link.

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## Standard Operating Procedures

**Conference/Workshop on  
Human Trafficking in the Caribbean  
February 2018**

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### Benefit of Written TIP Specific SOPs

- SOPs provide a standardized and harmonized response among the many actors dealing with TIP
- They provide for clear and coordinated procedures to be adopted by all stakeholders.
- They facilitate the protection of victims of trafficking in persons
- They help to strengthen cooperation among the actors that are involved in the identification and protection of victims of trafficking. They will provide a procedure for cooperation to ensure that the available expertise, capacities, and potential of each agency are effectively employed to deliver the best possible protection and assistance for victims of trafficking.

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### Benefit of Written TIP Specific SOPs, Continued

- Allows for equal treatment/fairness in the handling of victims and provision of services
- Serve as a ready reference in responding to cases of TIP
- Systematic way of working. It ensures that all of the actions to be taken on behalf of the victims are carried out.
- Allows for accountability and evaluation. A means of determining whether the required activities are carried out

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## Goals for SOPs

- To provide a clear understanding of the roles of government and non-governmental organizations in responding to cases of human trafficking.
- To provide support for and protection of all victims of trafficking in persons through a comprehensive approach based on human rights and focused on the victim by means of an institutionalized framework.

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## Goals for SOPs Continued

- To improve the efficiency of all stakeholders and actors to protect victims of human trafficking.
- To outline the response of the Country to cases of trafficking in persons and are intended to strengthen effective and appropriate responses.

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## Key Elements of SOPs

Key elements for consideration in the development of SOPs:

**International Conventions** such as:

- UN Convention against transnational organized crime and its protocols
- Conventions on the rights of the child

**Legislation:**

- Local TIP legislation and other relevant laws such as Sexual Offences

**Documents produced by the countries national authorities such as:**

- National Action Plan to Combat Trafficking in Persons
- Plan to Provide Assistance to Victims of TIP
- Guidelines for Preventing, Suppressing and Punishing Trafficking in Persons

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## Key Elements, Cont'd

### Guiding Principles:

- Human-Rights Based, interdisciplinary and intersectoral, participation of civil society

### Basic areas to be covered:

- Identification, Protection and Support; and Referral of victims of Human Trafficking

### Should consist of a set of measures detailing:

- (What) they are; (When) they must be performed; (Who) is responsible for them; (How) they must be carried out.

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## Key Elements Continued

- Should have a designated point person (focal point) to coordinate the activities
- Should have adequate resources, trained staff and individual contacts in the governmental/state institutions and non-governmental organizations
- Should include a working terminology to establish a common language to ensure sure that all anti-trafficking actors adopt the same terminology and the related definitions.

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## Lessons Learned from SOPs

### What is needed for Adequate Trafficking Response

1. Continuous training on the SOPs for social workers; medical personnel; law enforcement; labour officers; NGOs etc. so that persons know them from memory and are in a better position to identify, protect and refer victims and potential victims of TIP.
2. Consistency, commitment and cooperation in following the procedures.
3. Resources, including financial and human. Dedicated trained staff hours are needed to ensure that the systems that are in place work effectively to enable the victims, and potential victims, access to the services that have been made available for them.

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## Lessons Learned from SOPs

### What is needed for Adequate Trafficking Response

4. Monitoring and reporting through regularly scheduled meetings of the task force members and the agencies is important; oral and written reports.
5. Effective leadership to coordinate the development of the SOPs.
6. An understanding that some agencies may not be inclined to adjust their procedures to accommodate a victim-centred approach.
7. Consensus on the items to be included as steps in the process.
8. Patience and follow-through as development of SOPs takes time and cooperation.
9. Ongoing Attention – SOPs must be periodically reviewed and necessary amendments and adjustments made.

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## Group Work

- Identify Sectors that Need SOPs
  
- Check List of Topics to be Addressed

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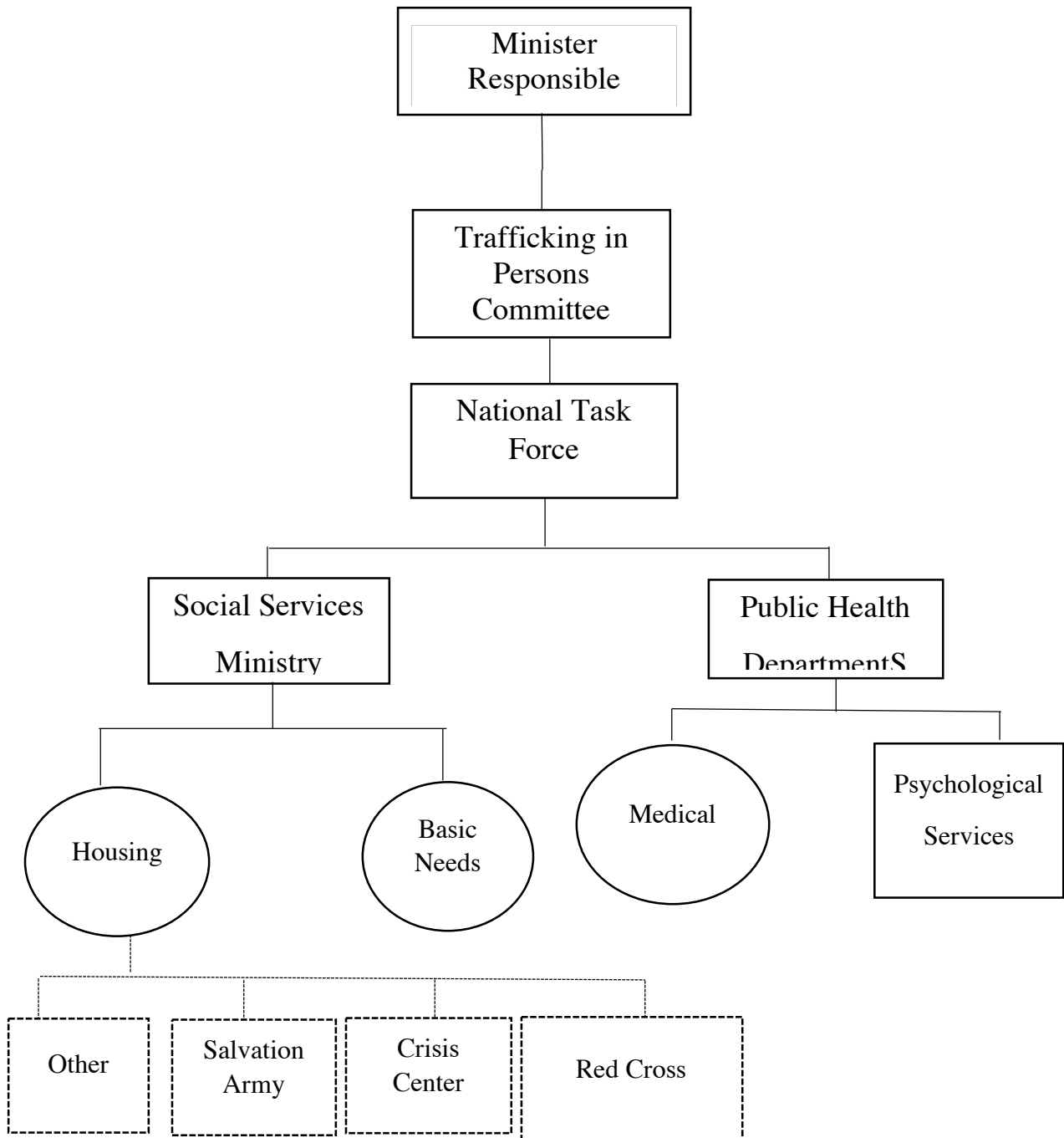
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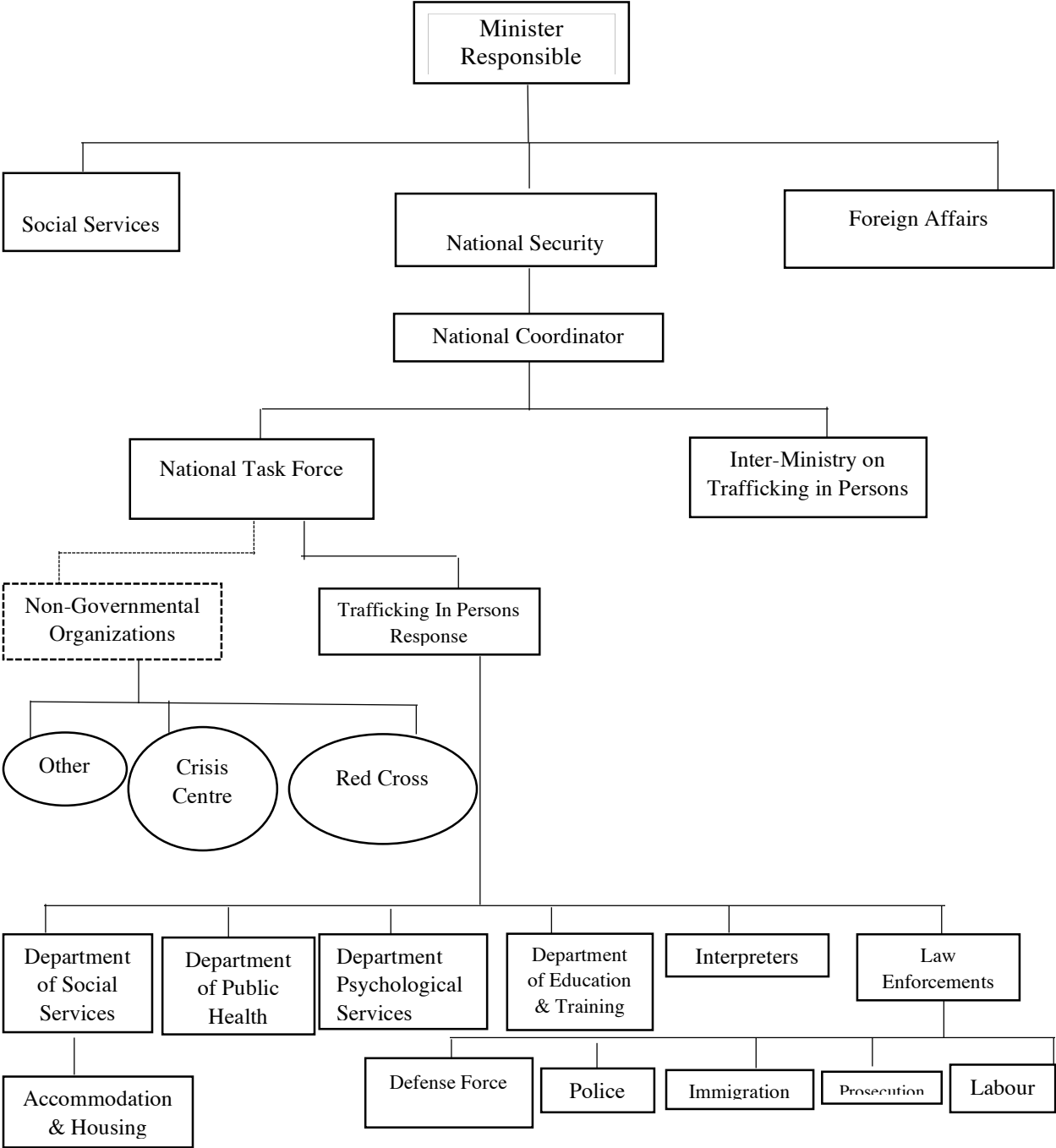
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**FLOW CHART OF  
TIP RESPONSE**



## Sample Interpreter Confidentiality Agreement

1. I, \_\_\_\_\_ (hereinafter “Interpreter”) agree to assist PROVIDER (hereinafter “PROVIDER”) and limited English individuals (hereinafter “LEP individuals”) by interpreter between \_\_\_\_\_ [language(s)] and English.
2. The Interpreter’s services have been sought solely to enable PROVIDER to communicate with LEP individuals. Interpreter understands that he/she is acting in an independent capacity and not as an agent of PROVIDER, but the interpretation service he/she renders are provided within an attorney-client relationship.
3. Interpreter understands that the communications between the LEP Individual and PROVIDER are strictly confidential and protected from disclosure to any third party. Because of the confidential nature of the communications between the LEP Individual and PROVIDER, Interpreter agrees that he/she will not reveal the nature and content of the communications to anyone without the express written consent of the LEP Individual, or PROVIDER acting on the LEP Individual’s behalf.
4. For purposes of this agreement, ‘communications’ between the LEP Individual and PROVIDER include, but are not limited to, any verbal or written communications; communications transmitted in person, by the U.S. Postal Service or other services, or by facsimile, telephone, or other electronic means.
5. Interpreter agrees not to retain any written documents regarding the interpreted session without the express permission of PROVIDER. If the PROVIDER gives such permission, the Interpreter further agrees to return those documents to PROVIDER as soon as the Interpreter is finished with the interpretation assignment related to the document(s).
6. Interpreter agrees not to counsel, provide advice, or interject any personal opinions within the interpreted session.
7. Interpreter agrees to disclose any conflict or potential conflict to PROVIDER immediately.
8. Interpreter agrees to act with honesty and trustworthiness, including all actions and statements regarding Interpreter’s qualifications, invoicing, and potential conflicts.
9. The duration of the agreement is indefinite and extends beyond the duration of the case or the duration that the Interpreter renders services for PROVIDER.

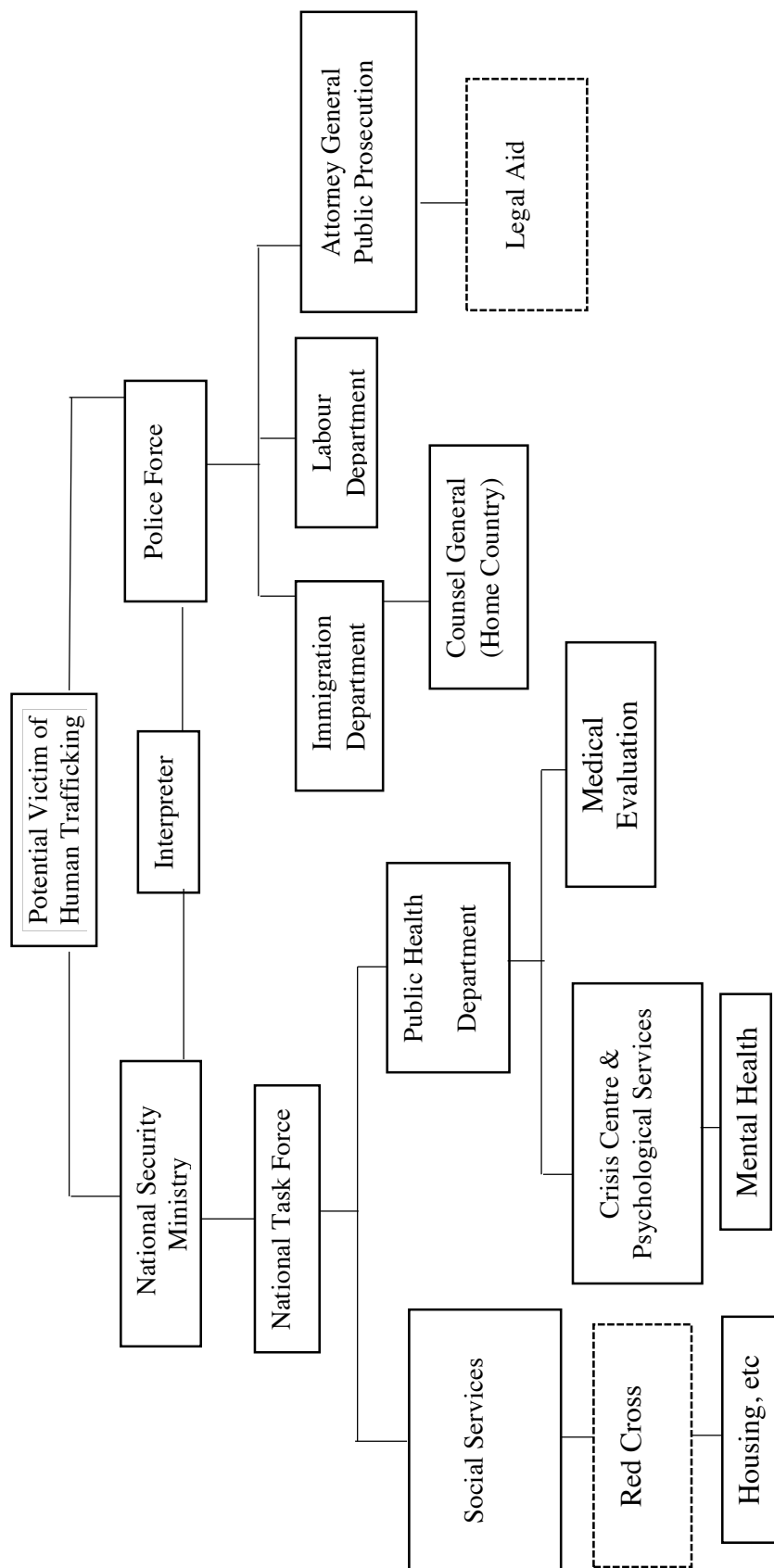
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Interpreter Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
PROVIDER Signature

\_\_\_\_\_  
Date

**NATIONAL TASK FORCE FLOW CHART**  
**DISCOVERY BY LAW ENFORCEMENT, NGO, MEDICAL,**  
**FAITH – BASED OR OTHER AGENCY/PERSON**



## SERVICE MATRIX

| <b>Service Category</b>           | <b>Provider</b> | <b>Contact Person</b> | <b>Contact Person Phone</b> | <b>Provider Address</b> | <b>Comments</b> |
|-----------------------------------|-----------------|-----------------------|-----------------------------|-------------------------|-----------------|
| <b>24 hour emergency response</b> |                 |                       |                             |                         |                 |
| <b>Prosecutors Office</b>         |                 |                       |                             |                         |                 |
| <b>Victim Assistance</b>          |                 |                       |                             |                         |                 |
| <b>Case Management</b>            |                 |                       |                             |                         |                 |
| <b>Basic Needs</b>                |                 |                       |                             |                         |                 |
| <b>Short Term Housing</b>         |                 |                       |                             |                         |                 |
| <b>Medical Care</b>               |                 |                       |                             |                         |                 |
| <b>Legal Advocacy</b>             |                 |                       |                             |                         |                 |
| <b>Spiritual Care</b>             |                 |                       |                             |                         |                 |
| <b>Other</b>                      |                 |                       |                             |                         |                 |

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## Interviewing Victims of TIP

### Challenges and Strategies

**Conference/Workshop on  
Human Trafficking in the Caribbean  
February 2018**



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## Victim-Centered Interviewing

Establish the facts of the case in order to identify, investigate, arrest and successfully prosecute traffickers.

Victims are key to a successful prosecution.

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## Victim-Centered Interviewing

- Listen
- Be respectful
- Do not make assumptions
- All victims have rights
- Victims need to be stable, safe and secure

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## **Interview**

- The setting
- The interpreter
- Building rapport
- Types of questions

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## **The Setting**

- Make it comfortable, not intimidating
- Provide breaks at victim's request
- Provide water, tissues, pen and paper
- Be careful of timing
- Have several interviews instead of one long one

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## **Building Rapport**

- Clear explanation of you, your role and the process
- Show respect to the victim
- Show interest in the victim
- Be an active listener
- Give the victim some control over the interview

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## Styles of Questioning

Important concepts to consider:

- questions should be simple
- questions should not contain jargon
- avoid abstract concepts
- questions should have just one point, not be multi-part
- questions should not be directive or suggestive

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## Questions

- Open-ended
- Specific
- Closed
- Leading



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## Open-Ended Questions

- WHAT, HOW and WHY
- These questions require answers that are more than one or two words
- They ask the respondents to think and reflect
- It requires more time to listen to the answers to these questions, BUT they yield more information
- Follow up with more questions - WHAT HAPPENED, WHY or HOW

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### Examples of Open-Ended Questions

- What information do you have about that?
- What was the most difficult part of your situation..... Why was that?
- What happened to your documents?
- What did you do next?
- Then what happened?
- How did you contact your family?

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### Practice Points

- Start with open ended questions
- Listen carefully to response
- Ask next logical open ended question
- Incorporate the answer in your next question:  
“you said you were scared, what were you afraid of?”
- Open-ended questions show that you are willing to spend time with others and usually result in greater cooperation

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### Specific Questions

- These questions come later in the interview
- They focus on details mentioned by the victim
- Examples:
  - ✓ Where did you work in the house?
  - ✓ How many hours did you work?
  - ✓ How much money did you receive?

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## Closed Questions

- These questions can be answered with a single word or short phrase
- They can often be answered with a YES or NO
- They give you facts
- They are easy to answer
- They keep control of the conversation with the questioner
- Should only be used as a last resort

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## Examples of Closed Questions

- Did your employer hold your documents?
- What year did you start working?
- Were you ever given any money?

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## Leading Questions

- Framed in a way that suggests a certain response
- Many are framed as YES-NO questions
- Rarely use during initial interview

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### Examples of Leading Questions

- (closed) Where were you in June, 2017?
- (leading) You were in Bridgetown for the month of June, 2017 weren't you?
- (closed) Were you frightened by anyone in your workplace?
- (leading) The boss, Mr. Gonzalez, frightened you, didn't he?

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### Interview Challenges

- Language/Interpreters
- Culture
- Trust
- Trauma
- Age
- Personal information

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### Trust

- Victims of trafficking have difficulty trusting
- Victims have experienced betrayal and broken promises
- Victims' attitudes and behaviors are often confusing and do not reflect the situation, but are a result of trauma/and or trafficking experience

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## Building Trust

- Engage the victim on a personal level
- Reassure the victim that you are there to help
- Do not interview while armed (or in uniform)
- When possible, interview one-on-one
- Avoid derogatory labels like “prostitute” and “delinquent”
- Do not make promises



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## Building Trust and Learning the Truth

- Separate the victim from his or her trafficker before questioning begins
- Use informal conversation to engage the victim
- No jargon
- Remember most victims do not self-identify as “trafficking victims”
- Victims may often tell the false story they have been coached to give; it often takes 3-5 meetings before the true story may emerge
- Avoid pity, judgment, patronization and victim blaming attitudes or body language

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## Personal Information

- Do not start with questions about rape, sexual activities
- Acknowledge how difficult it is to talk about the most private subjects
- Know that shame may inhibit victims in their responses
- Avoid pity, judgment, patronization and victim blaming attitudes or body language

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### Victim-Centered Interviewing

- Systematic focus on needs and concerns of victims
- Ensures compassionate and sensitive delivery of services in a nonjudgmental manner
- Seeks to minimize further trauma associated with the criminal justice process by providing access to support services

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### How to Respond When...

- The victim does not talk?
- The victim starts to cry?
- The victim does not answer your questions?
- The victim does not give you enough detail?
- The victim keeps changing the subject?

How does trauma impact the interview?

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### Best Practice Points

- Understand the victim's account may evolve over time (gradual disclosure of the truth is typical of all victims).
- Talk about what someone does, not who they are. (i.e. engaged in prostitution, rather than "a prostitute.")
- Be mindful of word choices and questioning style
- Understand that victims may have difficulty understanding the criminal justice system
- Understand the effects of trauma on victims and interview behaviors

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## **Interview Exercise Scenarios**

### **Charmaine**

The police have gotten a call from a local domestic violence shelter. A Jamaican woman named Charmaine showed up at the shelter with a small suitcase and a black eye.

She would not tell the staff her last name, how she got the black eye or where she has been living. All she would say was that she came here for a job and it didn't work out and she wanted to go home – but she didn't have her passport.

She asked if the shelter staff could help her get home and give her a place to stay until she could leave for home. She said she could pay them for the room if someone could help her get the money she is owed for her work. She offered to clean the shelter and watch some of the other resident's children as needed in exchange for a place to stay and the staff's help.

The shelter worker noticed some indicia of trafficking (physical injury, fear of revealing information, unpaid salary and no passport) so they called you to come in and interview Charmaine to determine if she might be a trafficking victim.

### **Joan**

The police receive a complaint from an NGO – claiming that there are several girls being forced to provide commercial sex in bedrooms on the second floor of a local bar.

After some preliminary investigation and discussions with the parents of some of the girls, the police plan a raid.

The owner of the bar, a woman named Alicia, appeared to know about the raid in advance, because just before the police arrived, she tried to hide the girls in a supply closet in a back room.

During the raid the police discover several women and girls huddled in the back of the supply closet. Based upon indicators and initial interviews the police believe that the people in the closet might be victims of sex trafficking.

The police took everyone they found in the closet, to the police station. Several of the girls are from Guyana, including Joan. A local NGO arranged to provide shelter for all the girls for a few nights.

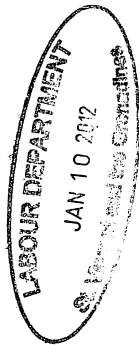
You have the opportunity to interview Joan.

**SAINT VINCENT AND THE GRENADINES**  
**PREVENTION OF TRAFFICKING IN PERSONS ACT 2011**  
**ARRANGEMENT OF SECTIONS**

**PART I**  
**PRELIMINARY**

**SECTION**

1. Short title and commencement
2. Interpretation
3. Object of the Act
4. Protocol to have force of law in Saint Vincent and the Grenadines



**PART II**

**CRIMINAL OFFENCES AND RELATED PROVISIONS**

5. Offence of trafficking in persons
6. Offence of unlawful withholding of identification papers
7. Offence of transporting a person for the purpose of exploiting such a person's prostitution
8. Aggravated circumstances
9. Consent or past sexual behaviour of a victim is irrelevant
10. Legal age of consent to sex not a defence to trafficking in persons
11. Victim to be immune from prosecution
12. Forfeiture
13. Receiving financial or other benefit knowing that it is as a result of trafficking in persons
14. Offences of bodies corporate

15. Additional penalties for bodies corporate
16. Restitution
17. Entry, search and seizure
18. Offence of threatening, obstructing, etc., a police officer
19. Jurisdiction

**PART III**

**ASSISTANCE AND PROTECTION OF VICTIMS OF TRAFFICKING**

20. Protection for the safety of victims, including identification of victims
21. Witness protection
22. Protection of the privacy of victims, including proceedings held in camera
23. Information of victims
24. Opportunity for the presentation of the victim's views and concerns
25. Assistance to victims
26. Immigration status of victims
27. Assistance for citizen or permanent resident victims abroad
28. Verification of nationality or age of victims
29. Return of victims to country of citizenship or lawful residence
30. Assistance to victims who are unable to prove their nationality status through normal means
31. Services for returned victims
32. Special consideration to be given to child victims

**PART IV**

**MISUSE OF COMMERCIAL TRANSPORTATION**

33. Responsibilities of international commercial transportation companies or individuals



## PART V

## NATIONAL TASK FORCE AGAINST TRAFFICKING IN PERSONS

34. Establishment of the Task Force
35. Functions of the Task Force
36. Composition of the Task Force
37. Chairman of the Task Force
38. Meetings of the Task Force
39. Declaration of interest

## PART VI

## GENERAL

40. Minister to lay annual report in the House
41. Exclusion of persons implicated in trafficking
42. Regulations
43. Consequential amendment to Proceeds of Crime and Money Laundering (Prevention) Act

## SCHEDULE



## SAINT VINCENT AND THE GRENADINES

ACT NO. 27 OF 2011

## I ASSENT

[L.S.]

CHARLES JAMES  
Governor-General's Deputy  
8th November, 2011.

AN ACT to give effect to and to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and to provide for matters connected therewith and incidental thereto.

[ 15th November, 2011 ]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:

## PART I

## PRELIMINARY

1. (1) This Act may be cited as the Prevention of Trafficking in Persons Act, 2011.

Short title and commencement

(2) This Act comes into operation on such day as the Governor-General may fix by proclamation published in the *Gazette*.

2. In this Act, unless the context otherwise requires –

Interpretation

“abuse of a position of vulnerability” includes –

- (a) such abuse that a person believes he has no reasonable alternative but to submit to the labour or service demanded of him; and

| No. 27 | 136<br>Prevention of Trafficking in Persons  | 2011 |
|--------|--|------|
|        | <p>(b) taking advantage of the vulnerabilities of a person resulting from –</p> <ul style="list-style-type: none"> <li>(i) the person having entered or remained in the country illegally or without proper documentation;</li> <li>(ii) pregnancy;</li> <li>(iii) physical or mental disease or disability of the person, including addiction to the use of any substance; or</li> <li>(iv) reduced capacity to form judgments by virtue of being a child;</li> <li>(v) the socio-economic circumstances of the person;</li> </ul> <p>“abuse of power” includes taking advantage of a position of authority or power, whether official or unofficial over a person or taking advantage of holding an official position, title or public office;</p> <p>“child” means a person below the age of eighteen years;</p> <p>“child pornography” means –</p> <ul style="list-style-type: none"> <li>(a) audio or visual depiction of any kind, whether – <ul style="list-style-type: none"> <li>(i) made or produced by electronic, mechanical or other means; or</li> <li>(ii) embodied in a disc, tape, film or other device, whether electronically or otherwise, so as to be capable of being retrieved or reproduced therefrom, of sexually explicit conduct involving a child; or</li> </ul> </li> <li>(b) any representation of the genitalia of a child, where such audio or visual depiction or representation lacks genuine literary, artistic, or scientific value;</li> </ul> <p>“coercion” means –</p> <ul style="list-style-type: none"> <li>(a) violent coercion such as serious harm or physical restraint against any person; and</li> </ul>  |      |
|        | <p>(b) non-violent or psychological coercion, such as –</p> <ul style="list-style-type: none"> <li>(i) threats of serious harm to or physical restraint against any person;</li> <li>(ii) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or</li> <li>(iii) the abuse or threatened abuse of the legal process;</li> </ul> <p>“competent authority” means the competent authority appointed under the law related to immigration in respect of the issuing of visas or other required authorisation to permit a person to remain in Saint Vincent and the Grenadines;</p> <p>“debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his personal services or those of the persons under his control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;</p> <p>“exploitation” includes –</p> <ul style="list-style-type: none"> <li>(a) keeping a person in a state of slavery;</li> <li>(b) subjecting a person to practices similar to slavery;</li> <li>(c) compelling or causing a person to provide forced labour or services;</li> <li>(d) keeping a person in a state of servitude, including domestic and sexual servitude;</li> <li>(e) child pornography;</li> <li>(f) the exploitation of the prostitution of another;</li> <li>(g) engaging in any form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel;</li> </ul> |      |

| No. 27 | Prevention of Trafficking in Persons  | 2011 |
|--------|---|------|
| 138    | <p>(h) engaging in sexual exploitation;</p> <p>(i) the illicit removal of human organs;</p> <p>(j) causing a person to transport illegal items within or across borders; and</p> <p>(k) deriving a benefit through the abuse of another person;</p> <p>“exploitation of the prostitution of others” means the deriving by one person of monetary or other benefit through the provision of sexual services for money or other benefit by another person;</p> <p>“forced labour” means labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint;</p> <p>“illicit removal of human organs” means the unlawful removal of organs, tissue or body parts from a victim irrespective of whether the victim consented to such removal;</p> <p>“Minister” means the Minister to whom responsibility for national security is assigned;</p> <p>“organised criminal group” means a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more offences established under this Act;</p> <p>“practices similar to slavery” includes—</p> <p>(a) debt bondage;</p> <p>(b) serfdom;</p> <p>(c) forced or servile marriages; and</p> <p>(d) delivery or receipt of children for exploitation.</p> <p>“Protocol” means the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime, the text of which is set out in the Schedule;</p>   | 2011 |
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| No. 27 | <p>“restitution” means financial or other compensation for the victim for damages suffered during the process of being trafficked;</p> <p>“servitude” means a condition of dependency in which the labour or services of a person are provided or obtained by threats of serious harm to that person or another person, or through any scheme, plan or pattern intended to cause the person to believe that, if the person did not perform such labour or services, that person or another person will suffer serious harm;</p> <p>“sexual exploitation” means compelling a person to engage in—</p> <p>(a) prostitution;</p> <p>(b) the production of child pornography or other pornographic material; or</p> <p>(c) any other sexual activity,</p> <p>by means of threat, coercion, abduction, the effects of drugs, force, fraud or abuse of power;</p> <p>“sexually explicit conduct” includes actual or simulated sexual activity, such as sexual intercourse whether between persons of the same or opposite sex and whether involving genital, anal or oral sex, bestiality, masturbation, sadistic or masochistic abuse;</p> <p>“slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;</p> <p>“Task Force” means the National Task Force Against Trafficking in Persons established under section 34;</p> <p>“trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other means of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;</p> | 2011 |

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|   | <p>"travel documents" means any document that can be used for travel between States such as –</p> <p>(a) a passport;</p> <p>(b) a visa;</p> <p>(c) a tourist card;</p> <p>(d) an airline ticket; and</p> <p>(e) any other document used under the laws of a State to establish identity in that State;</p> <p>"victim" means a person against whom the offence of trafficking in persons has been committed.</p>  |      |     | <p>and is liable on conviction on indictment to a fine of two hundred and fifty thousand dollars or to imprisonment for fifteen years or both.</p> <p>(2) The recruitment, transportation, harbouring, or receipt of a child, or giving of payment or benefits to obtain the consent of a person having control of a child, for the purpose of exploitation, constitutes trafficking in persons irrespective of whether any of the means described in the definition of "trafficking in persons" have been established.</p>  |   |
| Object of the Act   | <p>3. The object of this Act is to prescribe measures to prevent and combat trafficking in persons by –</p> <p>(a) providing a framework for protecting and assisting victims;</p> <p>(b) providing the means to effectively investigate, prosecute and suppress all forms of trafficking in persons; and</p> <p>(c) promoting cooperation between Saint Vincent and the Grenadines and other States in order to prevent and suppress trafficking in persons and to punish offenders.</p> |      |     | <p>6. Any person who for the purposes of trafficking in persons and acting or purporting to act as another person's employer, manager, supervisor, contactor, employment agent, or solicitor or client such as a pimp, knowingly procures, destroys, conceals, removes, confiscates, or possesses any passport, immigration document, or other government identification document, whether actual or purported, belonging to another person, commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for twelve years or both.</p>   | Offence of unlawful withholding of identification papers                                    |
| Protocol to have force of law in Saint Vincent and the Grenadines | <p>4. (1) The Protocol has the force of law in Saint Vincent and the Grenadines.</p> <p>(2) The Minister may make regulations to give effect to the Protocol in Saint Vincent and the Grenadines.</p> <p>(3) Regulations made under subsection (2) shall be subject to negative resolution of the House of Assembly.</p>  |      |     | <p>7. (1) Any person who knowingly transports or conspires to transport or attempts to transport or assist another person engaged in transporting any person into Saint Vincent and the Grenadines or across an international border for the purposes of exploiting that person's prostitution commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for twelve years or both.</p> <p>(2) Notwithstanding subsection (1), where a person is convicted under subsection (1) and there is the presence of any one of the following aggravating factors resulting from acts of the convicted person –</p> <p>(a) transporting two or more persons at the same time;</p> <p>(b) causing permanent or life-threatening bodily injury to the person transported;</p> <p>(c) transporting a child or children; or</p> <p>(d) transporting as part of the activity of an organised criminal group,</p> | Offence of transporting a person for the purpose of exploiting such a person's prostitution |
| Offence of trafficking in persons                                 | <p>5. (1) A person who engages in, conspires to engage in, attempts to engage in, assists another person to engage in, or organises or directs another person to engage in trafficking in persons commits an offence</p>  |      |     | <p>the court may impose an additional term of imprisonment of up to fifteen years and order that the conveyance used for transporting the victim be forfeited to the State.</p>  |   |

## CRIMINAL OFFENCES AND RELATED PROVISIONS

### PART II

| No. 27                   | 142<br>Prevention of Trafficking in Persons  | 2011   | No. 27                | 143<br>Prevention of Trafficking in Persons  | 2011   |
|--------------------------|--|--|-----------------------|--|--|
| Aggravated circumstances | 8. (1) Notwithstanding the penalty imposed under section 5, where a person is convicted under that section and there is the presence of any of the following aggravating circumstances resulting from acts of the convicted person – | <p>(a) the convicted person used, threatened to use, or caused another to use or threaten to use a dangerous weapon;</p> <p>(b) the victim suffers a serious bodily injury, or if the convicted person commits a sexual assault against the victim;</p> <p>(c) the trafficking involved a victim who is particularly vulnerable, including a pregnant woman;</p> <p>(d) the victim had not attained the age of eighteen years of age;</p> <p>(e) in the course of trafficking, the convicted person recklessly caused the victim to be exposed to a life threatening illness, or if the convicted person intentionally caused the victim to become addicted to any drug or medication;</p> <p>(f) the victim suffers a permanent or life-threatening bodily injury;</p> <p>(g) the trafficking was part of the activity of an organised criminal group;</p> <p>(h) the trafficking was part of the activity of an organised criminal group and the convicted person organised the group or directed its activities; or</p> <p>(i) the trafficking occurred as the result of abuse of power or position of authority or trust in relation to the victim, including but not limited to a parent or guardian, relative or non-relative residing in the household where the victim resides, teacher, children's club leader, or any other person who has been entrusted with the care or supervision of the child,</p> | (2) In this section – | “dangerous weapon” means –   | (a) an instrument capable of inflicting death or serious bodily injury; or |
|                          |  |  |                       |  |  |
|                          |  |  |                       | (b) an object that is not an instrument capable of inflicting death or serious bodily injury but –   |  |
|                          |  |  |                       | (i) closely resembles such an instrument; or   |  |
|                          |  |  |                       | (ii) is used in such a way that it creates the impression that the object is an instrument capable of inflicting death or serious bodily injury;                             |  |
|                          |  |  |                       | “life-threatening illness” means any illness that involves a substantial risk of death, and includes Human Immunodeficiency Virus Infection (HIV/AIDS) and tuberculosis;     |  |
|                          |  |  |                       |  |  |
|                          |  |  |                       | “permanent or life-threatening bodily injury” means –  |  |
|                          |  |  |                       |  |  |
|                          |  |  |                       | (a) injury involving a substantial risk of death, loss or substantial impairment of the function of a bodily member, organ or mental faculty that is likely to be permanent; |  |
|                          |  |  |                       | (b) disfigurement that is likely to be permanent; or   |  |
|                          |  |  |                       | (c) maltreatment to a life-threatening degree, such as by denial of food or medical care that results in substantial impairment of function of the body or mind;             |  |
|                          |  |  |                       | “serious bodily injury” means –  |  |
|                          |  |  |                       |  |  |
|                          |  |  |                       | (a) injury involving extreme physical pain or the protracted impairment of a function of a bodily member, organ or mental faculty; or  |  |
|                          |  |  |                       | (b) injury requiring medical intervention such as surgery, hospitalisation or physical rehabilitation;   |  |
|                          |  |  |                       | “sexual assault” means –   |  |
|                          |  |  |                       |  |  |
|                          |  |  |                       | (a) causing another person to engage in a sexual act by–   |  |

the court may impose an additional term of imprisonment of up to twenty years.

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|        | (i) using force against that person;<br>(ii) threatening or placing that person in fear that any person will be subjected to death, serious bodily injury, or kidnapping; or<br>(b) engaging in a sexual act with –<br>(i) an incapacitated person; or<br>(ii) a person who cannot express consent. |  |     | 13.     | 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 of two hundred thousand dollars or to imprisonment for ten years or both.                   | Receiving financial or other benefit knowing that it is a result of trafficking in persons |
|        |   | 9. (1) In any prosecution for an offence of trafficking in persons under section 5, the alleged consent of the victim or if the victim is a child, the consent of his parents or guardians to the intended or realised exploitation is irrelevant once any of the means or circumstances set forth in the definition of "trafficking in persons" is established.<br>(2) In a prosecution for trafficking in persons under section 5, the evidence of a victim's past sexual behaviour is irrelevant and inadmissible for the purpose of proving that the victim engaged in other sexual behaviour, or to prove the victim's sexual predisposition. |     | 14. (1) | A body corporate which commits an offence under this Act is liable on conviction on indictment to a fine of two million dollars.   | Offences of bodies corporate   |
|        |   |  |     | (2)     | Subject to subsection (3), where a body corporate commits an offence under this Act, every director, manager, secretary or other similar officer concerned with the offence is liable on conviction to the punishment provided for the offence.  |  |
|        |   |  |     | (3)     | A director, manager, secretary or other similar officer concerned with the management of a body corporate shall not be liable for an offence under this Act unless the court is satisfied –  |  |
|        |   |  |     | (a)     | that the offence was committed with the person's connivance; or  |  |
|        |   |  |     | (b)     | the person had not exercised all such diligence to prevent the commission, having regard to the nature of functions in that capacity and to all the circumstances.   |  |
|        |   |  |     | (4)     | In this section "director," in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.  |  |
|        |   |  |     | 15.     | Where a body corporate or its director, manager, secretary or other similar officer concerned with the management of the body corporate has been convicted of an offence under this Act, the court shall have the power, in addition to the penalties prescribed for the stated offence to – | Additional penalties for bodies corporate  |
|        |   |  |     | (a)     | revoke the business licences or other operating permits of the body corporate;   |  |
|        |   |  |     | (b)     | order that the body corporate be wound up;   |  |
|        |   |  |     | (c)     | forfeit the assets and properties of the body corporate; and   |  |
|        |   |  |     | (d)     | prohibit the body corporate from performing any further activities.  |  |
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| Restitution               | 16. (1) Where a person is convicted of the offence of trafficking in persons the court may order that person to pay restitution to the victim.  |                                      |   |
|                           | (2) Restitution under this section shall compensate, where applicable, for any of the following –   |                                      |   |
|                           | (a) costs of medical and psychological treatment;   |                                      |   |
|                           | (b) costs of physical and occupational therapy and rehabilitation;  |                                      |   |
|                           | (c) costs of necessary transportation, temporary housing and child care;  |                                      |   |
|                           | (d) lost income;  |                                      |   |
|                           | (e) attorney's fees and other legal costs;  |                                      |   |
|                           | (f) compensation for emotional distress, pain and suffering; and  |                                      |   |
|                           | (g) any other losses suffered by the victim which the court considers applicable.   |                                      |   |
|                           | (3) Restitution shall be paid to the victim –   |                                      |   |
|                           | (a) upon the conviction of the accused; and   |                                      |   |
|                           | (b) as far as possible, from any property forfeited under section 12 or the proceeds thereof.   |                                      |   |
|                           | (4) The absence of the victim from the proceedings shall not prejudice the victim's rights to receive restitution.  |                                      |   |
| Entry, search and seizure | 17. (1) Subject to subsection (3), where a Judge, Magistrate or Justice of the Peace is satisfied by information on oath that there are reasonable grounds for suspecting that evidence of or relating to an offence under this Act is to be found on any premises specified in the information, the Judge, Magistrate or Justice of the Peace may issue a warrant in accordance with subsection (2). |                                      |   |
|                           | (2) A warrant issued under subsection (1) may authorise a police officer named therein to enter the premises specified therein, with such assistance and by the use of such force as is necessary and reasonable to –   |                                      |   |
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|                           | (a) enter upon the premises;  |                                      |   |
|                           | (b) search the premises for evidence of or relating to an offence under this Act; and   |                                      |   |
|                           | (c) seize any article, vehicle or property found in the course of the search that the police officer believes, on reasonable grounds, to be evidence of or relating to an offence under this Act.   |                                      |   |
|                           | (3) A warrant shall not be issued under this section unless the informant or some other person has given the Judge, Magistrate, or Justice of the Peace on oath, such further information as the Judge, Magistrate or Justice of the Peace may require concerning the grounds on which the issue of the warrant is sought.  |                                      |   |
|                           | (4) A warrant issued under this section shall include a statement of the purpose for which the warrant is issued and a reference to the nature of the offence of trafficking.   |                                      |   |
|                           | (5) Where it would not be reasonably practicable to obtain a warrant, a police officer authorised in writing by the Commissioner of Police may without a warrant enter any premises on which he has reasonable grounds for suspecting that evidence of or relating to an offence under this Act is to be found and may –  |                                      |   |
|                           | (a) search the premises for evidence of or relating to an offence under this Act;   |                                      |   |
|                           | (b) seize any article, vehicle or property found in the course of the search that the police officer believes on reasonable grounds to be evidence of or relating to an offence under this Act.   |                                      |   |
|                           | 18. Any person who threatens, assaults or obstructs a police officer acting in the execution of his duty under this Act commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or both.  |                                      | Offence of threatening, obstructing, etc., a police officer |
|                           | 19. A court in Saint Vincent and the Grenadines shall have the jurisdiction to try an offence under this Act where the act constituting the offence has been carried out –  |                                      | Jurisdiction  |

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| Protection for the safety of victims, including identification of victims  | <p>(a) wholly or partly in Saint Vincent and the Grenadines;</p> <p>(b) by a citizen of Saint Vincent and the Grenadines anywhere; or</p> <p>(c) by a person on board a vessel or aircraft registered in Saint Vincent and the Grenadines.</p>  |  |
|  | <p style="text-align: center;"><b>PART III</b></p> <p><b>ASSISTANCE AND PROTECTION OF VICTIMS OF TRAFFICKING</b></p>  |  |
| Protection of the privacy of victims, including proceedings held in camera | <p>20. (1) In the investigation and prosecution of offences relating to trafficking in persons, the following shall apply –</p>   |  |
|  | <p>(a) all steps necessary to identify the victim shall be taken;</p> <p>(b) the victim shall be given the appropriate protection to prevent recapture, and to secure the victim from threats, reprisals and intimidation by the traffickers and their associates;</p> <p>(c) appropriate measures of protection shall be taken to secure the victim's family from threats, reprisals or intimidation by the traffickers or their associates if the victim's family resides in Saint Vincent and the Grenadines;</p> <p>(d) appropriate measures of protection shall be taken to secure any organisation or entity providing assistance or support to the victim from threats, reprisals or intimidation by the traffickers and their associates; and</p> <p>(e) the victim shall be given an opportunity to consult with a victim's advocate or other appropriate person to develop a safety plan.</p> | Protection of the privacy of victims, including proceedings held in camera |
| Witness protection   | <p>(2) Law enforcement officials such as the Police, Immigration, and other investigative officers shall comply with the measures specified in subsection (1).</p>  |  |
|  | <p>21. (1) Victims whether or not witnesses or potential witnesses may be eligible for applicable witness relocation and protection programmes for victims of organised criminal activity or other serious</p>  | Information for victims  |
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|  | <p>offences, if it is determined that an offence involving a crime of violence directed at the victim is likely to be committed.</p>  |  |
|  | <p>(2) The programmes referred to in subsection (1) may include –</p> <p>(a) relocation;</p> <p>(b) new identity documents establishing identity;</p> <p>(c) new residence;</p> <p>(d) work permits; or</p> <p>(e) protection of confidentiality of identity and location.</p>  |  |
|  | <p>22. (1) In a prosecution for trafficking in persons under this Act or unlawful use of documents under section 6, the identity of the victim and the victim's family must be kept confidential by ensuring that names and identifying information of the victim and the victim's family and their location are not released to any member of the public or published in the press or media, including by the defendant.</p>   |  |
|  | <p>(2) A hearing under this section shall be held in camera if the court so orders.</p>   |  |
|  | <p>(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or imprisonment for two years or both.</p>  |  |
|  | <p>23. The Minister shall inform victims, in a language that they can understand, of their legal rights and the progress of relevant court and administrative proceedings, as appropriate, including but not limited to proceedings of the criminal offenders, proceedings for the return of the victims to their country of citizenship or lawful residence, and procedures for seeking legal immigration status pursuant to section 26.</p>   |  |
|  | <p>24. (1) The Court shall provide an opportunity to a victim, if the victim desires it, to present his views and concerns at appropriate stages of criminal proceedings against traffickers, in a manner not prejudicial to the rights of the defendant.</p>   |  |
|  | <p>(2) An interpreter who speaks a language the victim understands must be made available to the victim during the course of legal proceedings.</p>   |  |

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| Assistance to victims         | <p>25. (1) Victims who are not citizens or permanent residents of Saint Vincent and the Grenadines and their accompanying dependent children may be entitled to receive social benefits for the duration of their stay in Saint Vincent and the Grenadines as may be determined by the Minister responsible for social security.</p> <p>(2) A victim's spouse may be entitled to receive social benefits provided for in this section in circumstances as may be determined by the Minister responsible for social security.</p> <p>(3) Residence in shelters or other facilities established under this section is voluntary, and victims may decline to stay in shelters.</p> <p>(4) Victims may have the option to communicate with and receive visits from family, friends and attorneys-at-law.</p> <p>(5) In the absence of exigent circumstances, victims, once identified as such, shall not be housed in prisons or other detention facilities for accused or convicted criminals.</p> <p>(6) Child victims, once identified as such, shall not be housed in prisons or other detention facilities for accused or convicted criminals under any circumstances.</p> <p>(7) Victims who are citizens or permanent residents of Saint Vincent and the Grenadines shall be eligible for assistance provided for in this section to the extent that such assistance is not provided by the Government to citizens or residents.</p> <p>26. (1) The competent authority may provide a victim and accompanying dependent children with appropriate visas or other required authorisation to permit them to remain and work in Saint Vincent and the Grenadines for the duration of the criminal prosecution against the traffickers.</p> <p>(2) A victim may be eligible for residence in Saint Vincent and the Grenadines in the manner prescribed in the law related to immigration, provided they have complied with reasonable requests, if any, for assistance in the investigation or prosecution of acts of trafficking.</p> <p>(3) Dependent children accompanying a victim shall also be eligible for resident status in Saint Vincent and the Grenadines in the manner prescribed in the law related to immigration.</p> |     | <p>(4) A victim's spouse and children, and in the case of child victims, the parents or guardian, and the victim's siblings, may be eligible to join the victim in Saint Vincent and the Grenadines as part of the victim's application for residence under this section.</p> <p>27. The Minister responsible for foreign affairs, through Saint Vincent and the Grenadines diplomatic mission and consular offices, where practicable, shall offer assistance to a citizen or permanent resident of Saint Vincent and the Grenadines who is in another country and who has been identified as a victim, including but not limited to –</p> <p>(a) assistance in understanding the laws of the country to which he has been trafficked, including his rights as a victim, options for reporting the crime, and opportunities for seeking restitution or other benefits that are available under the laws of that country;</p> <p>(b) assistance in obtaining emergency services, including but not limited to medical care and counselling;</p> <p>(c) at the request of either the victim or the appropriate authorities in the other country, replacement or provision of passports or other travel documents necessary for the victim to return to Saint Vincent and the Grenadines without undue or unreasonable delay; or</p> <p>(d) material assistance in returning to his last place of residence in Saint Vincent and the Grenadines, in the same manner provided for a citizen or permanent resident of Saint Vincent and the Grenadines who becomes stranded, when the country to which he was trafficked does not provide such assistance.</p> <p>(2) The Minister responsible for foreign affairs, through Saint Vincent and the Grenadines diplomatic missions and consular offices abroad, shall publish and disseminate information on the rights of victims under the laws of Saint Vincent and the Grenadines and the country or countries for which the diplomatic mission or consular office has responsibility both to the appropriate authorities in that country and to possible victims who are citizens or permanent residents of Saint Vincent and the Grenadines.</p> | Assistance for citizen or permanent resident victims abroad |      |
| Immigration status of victims |  |     |  |   |      |

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|   | <p>(3) In the case of diplomatic missions and consular offices of countries of destination of victims, the information referred to in subsection (2) shall be provided to appropriate authorities and to potential victims who are citizens or lawful residents of the country for which the mission or office has responsibility.</p> <p>(4) Diplomatic missions and consular offices of Saint Vincent and the Grenadines shall appoint an officer to be responsible for implementing and supervising plans and ensuring the provision of services required under this section.</p> <p>(5) The Minister responsible for foreign affairs in cooperation with other appropriate authorities shall develop plans as are reasonable convenient for the safe, orderly return without undue or unreasonable delay of citizens or permanent residents of Saint Vincent and the Grenadines.</p> |      |
| Verification of nationality or age of victims                   | <p>28. (1) Upon request by the appropriate authority of another State, the Minister shall, without undue or unreasonable delay, verify whether a person who is a victim is a citizen or permanent resident of Saint Vincent and the Grenadines.</p> <p>(2) A request made under subsection (1) may include a request for the verification of –</p> <p>(a) the age and name of a person who is a victim and who is suspected of being a minor; and</p> <p>(b) any immigration status the victim may have in Saint Vincent and the Grenadines.</p> <p>(3) The Minister shall designate a public officer to deal with requests made under this section.</p>   |      |
| Return of victims to country of citizenship or lawful residence | <p>29. (1) The Ministers responsible for national security and foreign affairs shall, in cooperation and after consultation with non-governmental organisations and international organisations, develop plans for the safe return of victims to their countries of citizenship or lawful residence.</p> <p>(2) Plans developed under subsection (1) shall take due account that a victim may elect to apply for citizenship or permanent residency of Saint Vincent and the Grenadines or remain in Saint Vincent and the Grenadines during the criminal proceedings against the traffickers.</p>   |      |

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|        | <p>30. (1) A victim abroad who claims to be a citizen or permanent resident of Saint Vincent and the Grenadines, but whose identity cannot be verified through ordinary means, may establish his right to return to Saint Vincent and the Grenadines by demonstrating significant connections to Saint Vincent and the Grenadines through such factors as –</p> <p>(a) place of birth;</p> <p>(b) presence of family members;</p> <p>(c) presence of friends;</p> <p>(d) significant knowledge of specific geographical areas and neighbourhoods;</p> <p>(e) long-term residence in Saint Vincent and the Grenadines; or</p> <p>(f) any other means.</p> <p>(2) The list of factors in subsection (1) is not exhaustive, and not every factor is required to make the determination of whether a victim has a right to return to Saint Vincent and the Grenadines.</p> <p>(3) A determination under this section shall be made with due concern for compassion and justice to victims and the fact that the victim would not be eligible for citizenship based on the showing made under this section shall not be a bar to re-entry.</p> <p>(4) Diplomatic missions and consular offices abroad shall assign a specific diplomat to make determinations under this section.</p> <p>(5) A victim may appeal an adverse determination to the Minister.</p> <p>(6) Where the Minister determines that a victim is eligible to re-enter Saint Vincent and the Grenadines under this section, the diplomatic mission or consular office abroad shall issue a travel document, permitting re-entry.</p> | Assistance to victims who are unable to prove their nationality status through normal means |
|        | <p>31. A victim who returns from abroad shall have access to educational and training programmes provided by any governmental or private entity without being differentiated from other participants on the basis of having been trafficked.</p>   | Services for returned victims   |

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| S p e c i a l<br>consideration to<br>be given to child<br>victims                                   | <p>32. (1) Assistance under this Part shall be provided to a victim who is a child in a manner that is in the best interest of the child and appropriate to the child's situation.</p> <p>(2) A victim who is a child shall be provided with appropriate services, which may include understanding of his rights, privacy, housing, care and age-appropriate support and rights specified in this Part.</p> <p>(3) Special programmes must be developed for a child witness, including –</p> <ul style="list-style-type: none"> <li>(a) arrangements to have the child testify outside the court setting or by video;</li> <li>(b) arrangements to have all testimony and court proceedings take place in the presence of a parent, legal guardian, foster parent or social worker;</li> <li>(c) arrangements to have a legal practitioner attend court proceedings solely on behalf of the child;</li> <li>(d) arrangements, whenever safe and possible, for the child to be reunited with family members in Saint Vincent and the Grenadines or in his country of origin; and</li> <li>(e) arrangements to facilitate the provision of special mental and physical medical care tailored to the needs of a child.</li> </ul> |      |
| Responsibilities<br>of international<br>commercial<br>transportation<br>companies or<br>individuals | <p><b>MISUSE OF COMMERCIAL TRANSPORTATION</b></p> <p>33. (1) An international commercial transportation provider shall verify that each passenger to any destination into or outside Saint Vincent and the Grenadines possesses the necessary travel documents, including passport and visas, to enter the destination country and any transit countries.</p> <p>(2) Subsection (1) applies to the international commercial transportation provider, his agents, and any person selling or issuing tickets, boarding passes or similar documents allowing passengers to</p>  |      |

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|        | <p>travel, and to persons collecting or checking such tickets, boarding passes or similar documents prior to or subsequent to boarding.</p> <p>(3) Any person referred to in subsection (2) who fails to comply with subsection (1) commits an offence and is liable on conviction on indictment to a fine of two hundred thousand dollars or to imprisonment for two years or both.</p> <p>(4) Where an offence is committed under this section, the international commercial transportation provider shall bear the costs of returning the person to his initial point of embarkation.</p> <p>(5) Where an international commercial transportation provider knowingly transports a victim into or from Saint Vincent and the Grenadines he shall be liable for costs associated with providing accommodation and meals for the victim and any accompanying children for the duration of the victim's stay inside or outside Saint Vincent and the Grenadines.</p> |   |
|        | <p><b>PART V</b></p> <p><b>NATIONAL TASK FORCE AGAINST TRAFFICKING IN PERSONS</b></p> <p>34. There is established a Task Force to be known as the National Task Force Against Trafficking in Persons.</p> <p>35. (1) The functions of the Task Force shall be as follows –</p> <ul style="list-style-type: none"> <li>(a) to develop plans in consultation with non-governmental organisations and other elements of civil society to provide victims with appropriate housing, employment, educational, and training opportunities and psychological counselling, legal assistance or legal information and medical assistance;</li> <li>(b) to develop a national plan to address trafficking in persons and coordinate its effective implementation;</li> <li>(c) to coordinate the collection and sharing of trafficking data among government agencies;</li> <li>(d) to coordinate the sharing of information between agencies for the purpose of –</li> </ul> | <p>Establishment of<br/>the Task Force</p> <p>Functions of the<br/>Task Force</p> |



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|     |        | <p>(i) determining whether individuals crossing or attempting to cross the international border of Saint Vincent and the Grenadines with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons; and</p> <p>(ii) detecting criminal groups engaged in trafficking in persons transnationally or within Saint Vincent and the Grenadines;</p> <p>(e) to identify and engage in efforts to facilitate cooperation with foreign countries, particularly those which are a –</p> <p>(i) significant source of victims;</p> <p>(ii) transit location; or</p> <p>(iii) destination of victims.</p> <p>(f) to strengthen bilateral, multilateral, local and regional capacities to assist victims, prevent trafficking, prosecute traffickers and to enhance cooperation efforts between destination countries and countries of origin and assist in the appropriate reintegration of victims;</p> <p>(g) to establish policies to enable the Government to work with non-governmental organisations and other elements of civil society to prevent trafficking in persons and provide assistance to victims;</p> <p>(h) to coordinate and provide training for law enforcement, immigration and other relevant officials in addressing trafficking in persons;</p> <p>(i) in coordination with other appropriate governmental agencies and appropriate non-governmental organisations, to prepare, disseminate and publish awareness raising material to discourage the demand that fosters the exploitation of persons, especially women and children, that leads to trafficking; and</p> | 2011  |
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|     |        | <p>(k) to prepare quarterly and annual reports of the activities of the Task Force and submit them to the Minister.</p> <p>(2) All data collected under subsection (1) must respect the privacy of victims.</p> <p>(3) The Task Force shall take into account the age, gender and special needs of the victims and accompanying dependent children in formulating plans to provide services to them and in delivering such services.</p> <p>(4) Plans developed in accordance with subsection (1) (a) shall be submitted for approval to the Cabinet and the Task Force shall undertake periodic reviews of the plans and their implementation to ensure compliance with the requirements of section 25 and to ensure that all victims are treated with respect for their human rights and dignity.</p> <p>(5) The Task Force shall carry out its functions either directly or via one or more of the constituent ministries as appropriate.</p> <p>36. (1) The Task Force shall comprise the Attorney-General, the Ministers responsible for finance, foreign affairs, family, gender affairs, national security, social development, social security, labour and legal affairs.</p> <p>(2) The Task Force shall also comprise other appropriate senior government officials including officials with responsibility for law enforcement, immigration, social development, foreign affairs, labour, justice and appropriate non-governmental organisations and other persons with the relevant expertise, who shall be appointed by the Cabinet and who shall hold office for two years but may be eligible for reappointment.</p>                         | <p>Composition of the Task Force</p>                                |
|     |        | <p>37. The Cabinet shall appoint from amongst members who comprise the Task Force under section 36 (1) a Chairman of the Task Force.</p> <p>38. (1) The Task Force shall regulate its own procedures and shall meet at least once every quarter and at such other times as may be expedient or necessary and at such times and such days as the Task Force may determine.</p>   | <p>Chairman of the Task Force</p> <p>Meetings of the Task Force</p> |

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| No. 27                                     | <p>(2) The Chairman may request that a special meeting of the Task Force be convened.</p> <p>(3) The Chairman shall preside at all meetings of the Task Force, but where he is absent, the members present shall appoint a Chairman to preside at the Meeting.</p> <p>(4) The Task Force shall select a Secretary from amongst its membership.</p> <p>(5) The Secretary shall keep minutes of each meeting which shall be confirmed by the members of the Task Force at the subsequent meeting.</p> <p>(6) A copy of the confirmed minutes of each meeting prepared by the Secretary shall be submitted to the Chairman.</p>   | 2011  |
| Declaration of interest                    | <p>39. Any member of the Task Force, including the Chairman, whose interest is likely to be directly affected by a decision or determination of the Task Force on any subject matter, shall declare his interest in the subject matter and shall not be present or take part in the meeting when the particular subject matter is being deliberated.</p>   | Exclusion of persons implicated in trafficking  |
| Minister to lay annual report in the House | <p>40. (1) The Minister shall within three months after the end of each year cause a copy of an annual report on trafficking in Saint Vincent and the Grenadines to be laid in the House of Assembly.</p> <p>(2) The report referred to in subsection (1) shall include –</p> <ul style="list-style-type: none"> <li>(a) the number of victims identified;</li> <li>(b) the number of investigations initiated;</li> <li>(c) the number of persons arrested;</li> <li>(d) the number of prosecutions commenced and the outcome; and</li> <li>(e) any other pertinent matter which the Minister considers necessary.</li> </ul>   | Regulations   |
| No. 27                                     | <p>41. (1) The competent authority shall not issue an entrance or transit visa to a person convicted of an offence under this Act, or to a person whom an overseas consular official knows or has reason to believe is a trafficker of persons, or who had knowingly assisted or conspired with a trafficker to traffic in persons.</p> <p>(2) The competent authority shall revoke the visa of a person convicted of an offence under this Act.</p> <p>42. The Minister may make regulations for carrying into effect the objects and purposes of this Act either generally or in relation to any particular case.</p> <p>43. Schedule 2 of the Proceeds of Crime and Money Laundering (Prevention) Act is amended by adding after item 6 the following item –</p> <p>“7. Prevention of Trafficking in Persons Act 2011.”</p> | Consequential amendment to Proceeds of Crime and Money Laundering (Prevention) Act Cap. 181 |

**PART VI**  
**GENERAL**

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|        | <p style="text-align: center;"><b>SCHEDULE</b></p> <p style="text-align: center;">(section 2)</p> <p><b>PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME</b></p> <p><b>Preamble</b></p> <p><i>The States Parties to this Protocol,</i></p> <p><i>Declaring</i> that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,</p> <p><i>Taking into account</i> the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,</p> <p><i>Concerned</i> that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,</p> <p><i>Recalling</i> General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children,</p> <p><i>Convinced</i> that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,</p> <p><i>Have agreed as follows:</i></p> |      |
|        | <p style="text-align: center;"><b>I. General provisions</b></p> <p style="text-align: center;"><i>Article 1</i></p> <p style="text-align: center;"><i>Relation with the United Nations Convention against Transnational Organized Crime</i></p> <p>1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.</p> <p>2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.</p> <p>3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.</p> <p style="text-align: center;"><i>Article 2</i></p> <p style="text-align: center;"><i>Statement of purpose</i></p> <p>The purposes of this Protocol are:</p> <p>(a) To prevent and combat trafficking in persons, paying particular attention to women and children;</p> <p>(b) To protect and assist the victims of such trafficking, with full respect for their human rights; and</p> <p>(c) To promote cooperation among States Parties in order to meet those objectives.</p> <p style="text-align: center;"><i>Article 3</i></p> <p style="text-align: center;"><i>Use of terms</i></p> <p>For the purposes of this Protocol:</p> <p>(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;</p>               |      |
|        | <p style="text-align: center;"><b>161</b></p> <p style="text-align: center;">Prevention of Trafficking in Persons</p> <p style="text-align: center;">2011</p>  |      |

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|     |        | <p>(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;</p> <p>(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;</p> <p>(d) "Child" shall mean any person under eighteen years of age.</p>   |      |
|     |        | <p style="text-align: center;"><i>Article 4</i></p> <p style="text-align: center;"><i>Scope of application</i></p> <p>This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.</p>  |      |
|     |        | <p style="text-align: center;"><i>Article 5</i></p> <p style="text-align: center;"><i>Criminalization</i></p> <p>1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.</p> <p>2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:</p> <p>(a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;</p> <p>(b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and</p> <p>(c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.</p> |      |
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## II. Protection of victims of trafficking in persons

### Article 6

#### *Assistance to and protection of victims of trafficking in persons*

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases,
  - (a) Information on relevant court and administrative proceedings;
  - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
  - (a) Appropriate housing;
  - (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
  - (c) Medical, psychological and material assistance; and
  - (d) Employment, educational and training opportunities.
4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.
5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

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|        | <p data-bbox="422 1344 479 1648"><i>Status of victims of trafficking in persons<br/>in receiving States</i></p> <p data-bbox="422 1459 446 1533"><i>Article 7</i></p> <ol data-bbox="527 1165 673 1827" style="list-style-type: none"> <li>1. In addition to taking measures pursuant to article 6 of this, Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.</li> <li>2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.</li> </ol>   |      |
|        | <p data-bbox="462 1323 487 1669"><i>Article 8</i></p> <p data-bbox="462 1323 487 1669"><i>Repatriation of victims of trafficking in persons</i></p> <ol data-bbox="527 1165 1063 1827" style="list-style-type: none"> <li>1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.</li> <li>2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.</li> <li>3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.</li> <li>4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.</li> <li>5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.</li> </ol> |      |
|        | <p data-bbox="519 1323 544 1669"><i>Article 9</i></p> <p data-bbox="519 1323 544 1669"><i>Prevention of trafficking in persons</i></p> <ol data-bbox="609 210 738 850" style="list-style-type: none"> <li>1. States Parties shall establish comprehensive policies, programmes and other measures:               <ol data-bbox="665 430 738 829" style="list-style-type: none"> <li>(a) To prevent and combat trafficking in persons; and</li> <li>(b) To protect victims of trafficking in persons, especially women and children, from revictimization.</li> </ol> </li> <li>2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.</li> <li>3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.</li> <li>4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.</li> <li>5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.</li> </ol>   |      |
|        | <p data-bbox="576 1323 600 1669"><i>Article 10</i></p> <p data-bbox="576 1323 600 1669"><i>Information exchange and training</i></p> <ol data-bbox="625 210 673 850" style="list-style-type: none"> <li>1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:</li> </ol>  |      |



| 166   | No. 27 | Prevention of Trafficking in Persons   | 2011 |
|---|--------|--|------|
| <p>(a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;</p> <p>(b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and</p> <p>(c) The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.</p> <p>2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.</p> <p>3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.</p> |        |  |      |
| 167   | No. 27 | Prevention of Trafficking in Persons   | 2011 |
| <p>4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.</p> <p>5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.</p> <p>6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.</p>  |        |  |      |
|   |        | <i>Article 12</i>  |      |
|   |        | <i>Security and control of documents</i>   |      |
|   |        | Each State Party shall take such measures as may be necessary, within available means:   |      |
|   | (a)    | To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and   |      |
|   | (b)    | To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.   |      |
|   |        | <i>Article 13</i>  |      |
|   |        | <i>Legitimacy and validity of documents</i>  |      |
|   |        | At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons. |      |
|   |        | <b>IV. Final provisions</b>  |      |
|   |        | <i>Article 14</i>  |      |
|   |        | <i>Saving clause</i>   |      |
|   | 1.     | Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and                          |      |

the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

*Article 15*  
*Settlement of disputes*

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.
2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.
3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.
4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

*Article 16*  
*Signature, ratification, acceptance,  
approval and accession*

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.
2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

*Article 17*  
*Entry into force*

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

*Article 18*  
*Amendment*

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of

the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

Article 19  
Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

Article 20  
Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

Passed in the House of Assembly this 8th day of November, 2011.

NICOLE HERBERT  
Clerk of the House of Assembly.

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2011

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OBJECTS AND REASONS

This Bill would give effect to the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* and for matters connected therewith.

Arrangement of Sections

- |     |  |
|-----|--|
| 1.  | Short title  |
| 2.  | Interpretation   |
| 3.  | Offence of trafficking in persons  |
| 4.  | Trafficking in children  |
| 5.  | Consent is not a defence and past sexual behaviour inadmissible                |
| 6.  | Unlawfully destroying or withholding travel document etc.                      |
| 7.  | Transporting a person for the purpose of exploiting that person's prostitution |
| 8.  | Knowingly receiving financial benefit from trafficking in persons              |
| 9.  | Knowingly receiving financial benefit from trafficking in children             |
| 10. | Forfeiture   |
| 11. | Restitution  |
| 12. | Offences of bodies corporate   |
| 13. | Additional penalties   |
| 14. | Victim may offer a defence   |

15. Protection and safety of victims
16. Privacy of victims
17. Information for victims
18. Assistance to victims
19. Immigration regime for victims
20. Return of victims to home country
21. Special considerations for child victims
22. Jurisdiction
23. Extradition
24. Mutual legal assistance
25. Warrant
26. Obstructing police officers and other officials
27. National Task Force
28. Amendment of the Extradition Act, Cap. 189
29. Amendment of the Defence Act, Cap. 159
30. Repeal of Act 2011-3

**Short title**

1. This Act may be cited as the *Trafficking in Persons Prevention Act, 2016*.

**Interpretation**

2. In this Act,

“child” means a person under the age of 18 years;

“Criminal Assets Recovery Fund” means the Fund established under section 14 of the *Transnational Organized Crime (Prevention and Control) Act, 2011* (Act 2011-3) and continued under section 3 of the *Criminal Assets Recovery Fund Act, 2016* (Act 2016-);

“debt bondage” means the status or condition of a person arising from his pledge to provide his personal services or those of a person under his control as security for a debt, where

- (a) the value of those services as reasonably assessed is not applied toward the liquidation of the debt;
- (b) the period during which those services are to be provided is not limited; or
- (c) the nature of those services is not defined;

“exploitation” includes

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) compelling or causing a person to provide forced labour or services;
- (d) keeping a person in a state of servitude, including domestic and sexual servitude;
- (e) the exploitation of the prostitution of another;

**BARBADOS**

## A Bill entitled

An Act to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith.

ENACTED by the Parliament of Barbados as follows:



- (f) engaging in any other form of commercial sexual exploitation, including, pimping, pandering, procuring, profiting from prostitution and maintaining a brothel;
  - (g) child pornography;
  - (h) the illicit removal of human organs;
  - (i) causing a person to transport illegal items within or across borders; and
  - (j) deriving a benefit through the abuse of another person;
- “illicit removal of organs” means the unlawful removal of organs, tissue or body parts from a victim irrespective of whether the victim consented to such removal;
- “Minister” means the Minister responsible for legal affairs;
- “offence of trafficking” means the offence of trafficking in children referred to in section 3 and the offence of trafficking in persons referred to in section 4;
- “offence of trafficking in children” means the offence referred to in section 3;
- “offence of trafficking in persons” means the offence referred to in section 4;
- “slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;
- “victim” means a person against whom an offence is committed or against whom an offence is alleged to have been committed under this Act.

#### **Offence of trafficking in persons**

- 3.(1)** A person who, for the purpose of exploitation by any of the means specified in subsection (2)
- (a) recruits, transports, transfers, harbours or receives persons into or within Barbados;

- (b) recruits, transports or transfers persons from Barbados to another jurisdiction; or
  - (c) receives or harbours persons from Barbados in another jurisdiction,
- is guilty of the offence of trafficking in persons and is liable on conviction on indictment, to a fine of \$1 000 000 or to imprisonment for 25 years or to both.
- (2) The means referred to in subsection (1) are
- (a) threats or the use of force or other forms of coercion;
  - (b) abduction;
  - (c) fraud or deception;
  - (d) the abuse of power or the abuse of a position of vulnerability; or
  - (e) the giving or receiving of payment or benefits to achieve the consent of a person having control over another person.
- (3) A person who incites or directs another person to traffic in persons is guilty of the offence of trafficking in persons and is liable on conviction on indictment, to a fine of \$1 000 000 or to imprisonment for 25 years or to both.
- (4) For the purposes of subsection (1), coercion means
- (a) violent coercion; or
  - (b) non-violent or psychological coercion, such as
    - (i) threats of serious harm to or physical restraint against a person;
    - (ii) the abuse or threatened abuse of legal process; or
    - (iii) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against a person.

### **Trafficking in children**

#### **4.(1)** A person who for the purpose of exploitation

- (a) recruits, transports, transfers, harbours or receives a child into or within Barbados;
- (b) receives or harbours a child from Barbados in another jurisdiction; or
- (c) recruits, transports or transfers a child from Barbados to another jurisdiction,

is guilty of the offence of trafficking in children and is liable on conviction on indictment to a fine of \$2 000 000 or to imprisonment for life or to both.

(2) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is sufficient to establish the offence of trafficking in children.

(3) A person who incites or directs another person to traffic in children is guilty of the offence of trafficking in children and is liable on conviction on indictment, to a fine of \$2 000 000 or to imprisonment for life or to both.

### **Consent is not a defence and past sexual behaviour inadmissible**

**5.(1)** In any prosecution for an offence of trafficking under this Act, the alleged consent of the victim to the intended or realized exploitation is not a defence.

(2) In any prosecution for an offence of trafficking under this Act, the legal age of consent to sex or to marriage is not a defence.

(3) In any prosecution for an offence of trafficking under this Act, evidence of a victim's past sexual behaviour is inadmissible for the purpose of proving

- (a) that the victim engaged in other sexual behaviour; or
- (b) the victim's sexual predisposition.

### **Unlawfully destroying or withholding travel document etc.**

**6.(1)** A person who for the purpose of trafficking in persons or trafficking in children

- (a) acts or purports to act as another person's employer, manager, supervisor, contractor, employment agent, or solicitor of clients; and
- (b) knowingly procures, destroys, conceals, removes, confiscates, or possesses any travel document belonging to another person or document that establishes or purports to establish another person's identity or immigration status,

is guilty of an offence and is liable on conviction on indictment to a fine of \$250 000 or to imprisonment for 20 years or to both.

(2) For the purposes of subsection (1), "travel document" means any document that can be used for travel between states such as

- (a) a passport;
- (b) a visa;
- (c) a tourist card;
- (d) an airline ticket; and
- (e) any other document used under the laws of a state to establish identity in that state.

### **Transporting a person for the purpose of exploiting that person's prostitution**

**7.** A person who transports or conspires to transport another person into or within Barbados or across an international border for the purpose of exploiting that person's prostitution is guilty of an offence and is liable on conviction on indictment to a fine of \$1 000 000 or to imprisonment for 25 years or to both.

### **Knowingly receiving financial benefit from trafficking in persons**

**8.** A person who receives or obtains a financial or other benefit, knowing that the financial or other benefit results from the offence of trafficking in persons, is guilty of an offence and is liable on conviction on indictment, to a fine of \$1 000 000 or to imprisonment for 25 years or to both.

### **Knowingly receiving financial benefit from trafficking in children**

**9.** A person who receives or obtains a financial or other benefit, knowing that the financial or other benefit results from the offence of trafficking in children, is guilty of an offence and is liable on conviction on indictment, to a fine of \$2 000 000 or to imprisonment for life or to both.

### **Forfeiture**

**10.(1)** Where a person has been convicted of the offence of trafficking in persons or trafficking in children, and the court is satisfied that

- (a) any property of the person convicted was used or was intended to be used or was obtained in the course of the crime; or
- (b) any benefits were gained from the proceeds of the crime,

the court shall order that the property or benefits be forfeited and accrue to the Criminal Assets Recovery Fund.

(2) For the purposes of subsection (1) "property" includes money, valuables and other movable and immovable property.

(3) The forfeiture of property referred to in subsection (1) applies to the property of persons convicted of trafficking in persons or trafficking in children whether or not the property is located in Barbados.

### **Restitution**

**11.(1)** Where a person is convicted of an offence of trafficking, the court may, in addition to any penalty imposed pursuant to this section, order that person to pay restitution to the victim.

(2) Restitution must compensate, where applicable, for any of the following:

- (a) costs of medical and psychological treatment;
- (b) costs of physical and occupational therapy and rehabilitation;
- (c) costs of necessary transportation, temporary housing and child care;
- (d) lost income;
- (e) attorney's fees and other legal costs;
- (f) compensation for emotional distress, pain and suffering;
- (g) any other losses suffered by the victim which the court considers applicable.

(3) Notwithstanding subsection (2), where the property of a person convicted under this Act is forfeited, restitution shall be paid to the victim as far as possible from that property or from the Criminal Assets Recovery Fund.

### **Offences of bodies corporate**

**12.(1)** Where a body corporate is guilty of an offence under this Act, that body corporate is liable on conviction on indictment to a fine of \$5 000 000.

(2) Where a body corporate is guilty of an offence under this Act, any officer, director or agent of the company who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is liable on conviction to the punishment provided for the offence.

### Additional penalties

13. Where a body corporate or its director, manager, secretary or other similar officer concerned with the management of a body corporate has been convicted of an offence under this Act, the court may, in addition to imposing the penalty prescribed for the stated offence,

- (a) revoke the business licence of the body corporate;
- (b) order that the body corporate be wound up;
- (c) forfeit the assets and properties of the body corporate to the Criminal Assets Recovery Fund; or
- (d) prohibit the body corporate from performing any further activities.

### Victim may offer a defence

14. Where a victim has been compelled to engage in unlawful activities as a direct result of being trafficked, and the victim has committed any immigration-related offence or any other criminal offence for which he is being prosecuted, the victim may offer as a defence evidence of having been compelled as a victim of trafficking to engage in such unlawful activities.

### Protection and safety of victims

15. In the investigation and prosecution of offences relating to trafficking in persons, the following guiding principles shall apply:

- (a) all steps necessary to identify a victim of trafficking shall be taken;
- (b) a victim shall be given reasonable protection to prevent recapture by the traffickers and their associates;
- (c) a victim's family shall be given reasonable protection if they reside in Barbados, from threats, reprisals or intimidation by the traffickers or their associates;

(d) a victim shall be given assistance in understanding the laws of Barbados and his rights as a victim;

(e) a victim shall be given assistance in language interpretation and translation where necessary;

(f) a victim shall have an opportunity to consult with an attorney-at-law or any other appropriate person or agency with respect to his rights, safety and welfare.

### Privacy of victims

16.(1) In a prosecution for trafficking under this Act, the identity of the victim and the victim's family shall be kept confidential by ensuring that names and identifying information of the victim and the victim's family are not released to any member of the public or published in the press or media.

(2) A hearing under this section shall be held *in camera* unless the court otherwise directs.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000.

### Information for victims

17. The Minister shall ensure that, as appropriate, a victim of trafficking is informed of his legal rights as well as the progress of court and administrative proceedings in a language that the victim can understand; and such information shall include,

- (a) proceedings involving the criminal offenders;
- (b) proceedings for the return of the victim to his country of citizenship or lawful residence; and
- (c) procedures for seeking legal immigration status for the victim under the *Immigration Act*, Cap. 190.

### Assistance to victims

18.(1) A victim of trafficking who is not a national of Barbados and the victim's accompanying dependent children may receive for the duration of their stay in Barbados, such benefits as may be determined by the appropriate Minister responsible for the relevant benefit; and those benefits may include

- (a) appropriate housing;
- (b) education and training opportunities;
- (c) psychological counselling;
- (d) legal assistance and legal information; and
- (e) assistance in obtaining any relevant documents and information to assist with legal proceedings;
- (f) the provision of safe shelter;
- (g) assistance to cover living expenses; and
- (h) medical assistance.

(2) In the absence of exigent circumstances, a victim of trafficking, when identified as such, shall not be housed in a prison or other detention facility for accused persons or convicted criminals.

(3) A child victim of trafficking, when identified as such, shall not be housed in a prison or other detention facility for accused or convicted criminals under any circumstances.

### Immigration regime for victims

19. The Minister responsible for immigration may provide a victim of trafficking and any accompanying dependent children with appropriate permits or other required authorization to allow them to remain and work in Barbados for the duration of the criminal prosecution against the traffickers.

### Return of victims to home country

20.(1) The Minister shall establish a system to effect the return of a victim to his country of citizenship or to a country in which the victim holds permanent residence.

- (2) The system established under subsection (1) shall take into account
  - (a) the safety of the victim while in Barbados;
  - (b) the safe return of the victim without undue delay; and
  - (c) the wishes of the victim as to the choice of country to which he is to be sent.

### Special considerations for child victims

21. In implementing any provision of this Act, special consideration shall be given to a trafficking victim who is a child in a manner that is in the child's best interests and appropriate to the situation.

### Jurisdiction

22. A court in Barbados shall have the jurisdiction to try an offence under this Act where the act constituting the offence has been carried out

- (a) wholly or partly in Barbados;
- (b) by a national of Barbados, whether in Barbados or elsewhere; or
- (c) by a person on board a vessel or aircraft that is registered in Barbados.

### Extradition

23.(1) Where a person who has committed or is alleged to have committed an offence under this Act is present in Barbados and it is not intended to extradite that person, the Director of Public Prosecutions shall prosecute the offender for the offence where the direction of the Attorney-General to do so is given under paragraph (b) of section 79A(2) of the Constitution.

- (2) Notwithstanding the provisions of this Act, no person shall be extradited pursuant to this Act where the Government of Barbados has substantial grounds for believing that a request for extradition for an offence under this Act has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would be prejudicial to that person's rank or status for any of those reasons.

#### **Mutual legal assistance**

- 24.** The *Mutual Assistance in Criminal Matters Act*, Cap. 140A shall apply to this Act in relation to an offence under this Act as if the offence were a serious offence within the meaning of section 2 of that Act.

#### **Warrant**

- 25.(1)** Where a Judge, Magistrate or Justice of the Peace is satisfied by information on oath that there are reasonable grounds for suspecting that evidence of or relating to an offence under this Act is to be found on any premises specified in the information, the Judge, Magistrate or Justice of the Peace may issue a warrant in accordance with subsection (2).

- (2) A warrant issued under subsection (1) may authorize a police officer named in the warrant to enter the premises specified in the warrant, with such assistance and by the use of such force as is necessary and reasonable to

- (a) enter upon the premises;
- (b) search the premises for evidence of or relating to an offence under this Act; and
- (c) seize and search any article, vehicle or property found in the course of the search that the police officer believes, on reasonable grounds, to be evidence of or relating to an offence under this Act.

#### **Obstructing police officers and other officials**

- 26.** A person who
- (a) threatens, assaults or obstructs a police officer, a member of the Barbados Coast Guard or an immigration officer acting in the execution of his duty under this Act; or
  - (b) threatens, assaults or obstructs a social worker, shelter worker, case management worker or any other worker who is involved in the provision of assistance and protection to a victim,
- is guilty of an offence and is liable on summary conviction to a fine of \$20,000 or to imprisonment for 3 years or to both.

#### **National Task Force**

- 27.(1)** There shall be established a Task Force to be known as the "National Task Force Against Trafficking in Persons".

- (2) The functions of the Task Force shall be

- (a) to establish policies and develop a national plan of action, for the purposes of
  - (i) the prevention of trafficking in persons and trafficking in children;
  - (ii) the identification of victims of trafficking and the provision of assistance to and protection of those victims;
  - (iii) the prosecution of traffickers;
  - (iv) the repatriation of victims; and
- (b) to co-ordinate the implementation of the national plan in partnership with non-governmental organizations, inter-governmental organizations and other States.



- (3) The Minister shall appoint such number of persons as he thinks fit from appropriate organizations and Ministries to be members of the Task Force.
- (4) The Minister shall appoint a member to be the Chairman of the Task Force.
- (5) The Task Force shall meet at such times and on such days as the Task Force may determine.
- (6) The Chairman shall preside at all meetings of the Task Force, but where he is absent, the members present shall appoint a Chairman to preside at the meeting.
- (7) The Task Force shall regulate its own procedure.

**Amendment of the Extradition Act, Cap. 189**

**28.** The *Extradition Act*, Cap. 189 is amended in the Schedule by deleting paragraph 39 and substituting the following:

“39. Offences under the *Trafficking in Persons Prevention Act, 2016* (Act 2016- ).”

**Amendment of the Defence Act, Cap. 159**

**29.** The Third Schedule to the *Defence Act, Cap. 159* is amended by adding the following at the end thereof:

“17. *Trafficking in Persons Prevention Act, 2016* (Act 2016- ).”

**Repeal of Act 2011-3**

**30.** The *Transnational Organized Crime (Prevention and Control) Act, 2011* (Act 2011-3) is repealed.

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2016.

**Speaker**

Read three times and passed the Senate this  
day of \_\_\_\_\_, 2016.

**President**

**EXPLANATORY MEMORANDUM**

**SUMMARY**

The purpose of this Bill is to repeal the *Transnational Organized Crime (Prevention and Control) Act, 2011* (Act 2011-3) in order to make fuller provision for the prevention of the trafficking in persons and the implementation of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime*.

The Bill broadens the scope of the offences by creating an offence where trafficking in persons takes place within the country and creates a special offence with heavier penalties in relation to the trafficking of children.

The Bill now makes extensive provision for the protection of victims and the treatment of victims. Certain privileges relating to immigration matters and legal proceedings are granted to victims. Special provision is made for the treatment of victims who are children.

This Bill is related to the *Immigration Amendment (No. ) Bill, 2015* and the *Criminal Assets Recovery Fund Bill, 2015* which also make better provision for other aspects of the *Convention Against Transnational Organized Crime*. The first mentioned Bill will provide for the offence of the smuggling of persons on the repeal of the *Transnational Organized Crime (Prevention and Control) Act*. The amendment to the *Immigration Act* reflects the fact that the offences created are essentially immigration offences and that prevention lies in strong border control.

The *Criminal Assets Recovery Fund Bill, 2015* will provide on the repeal of the *Transnational Organized Crime (Prevention and Control) Act, 2011* for the continuation of the Criminal Assets Recovery Fund in which confiscated proceeds of crime are

deposited. Providing for these matters in a separate Bill emphasizes the fact that the Fund relates to all proceeds of crime and not only to transnational organized crime.

The Bill makes no specific reference to organized criminal groups within the meaning of Article 5 of the Convention as the general law will apply. The offences in the Bill will apply not only to individuals but also where two or more persons are acting in concert (also referred to as “joint criminal enterprise”). In particular, the law relating to conspiracy, inchoate offences and accomplices will apply. The Bill also makes specific provision for the important inchoate offence of incitement and the secondary offence of receiving financial benefit from the offence of trafficking in persons.

**Clause 1: Short title**

This clause provides for the short title.

**Clause 2: Interpretation**

This clause provides definitions for the terms used in the Bill. In particular, the term “exploitation” is widely defined in accordance with Article 3 (a) of the Protocol to include slavery, sexual servitude, prostitution, child pornography and the illicit removal of organs.

The term “child” carries the same definition as the Protocol. That term is defined in Article 3 (d) of Protocol.

**Clause 3: Offence of trafficking in persons**

This clause specifies the elements of the offence of trafficking in persons, including the inchoate offence of inciting another to commit the offence. Despite the narrow scope of application in Article 4 of the Protocol, the offence created in this clause need not be transnational in nature or involve an organized criminal group. The clause therefore follows Article 34 (2) of the Convention which requires that offences should be “established in domestic law independently of the transnational nature or the involvement of an organized criminal group”. The offence is therefore committed whether the act is committed by an individual or by several persons acting in concert.

**Clause 4: Trafficking in children**

In accordance with the Article 3 (c) of the Protocol a stricter offence is created in relation to the trafficking in children.

**Clause 5: Consent is not a defence and past sexual behaviour inadmissible**

This clause complies with Article 3 (b) of the Protocol by providing that the consent of a victim to exploitation should not be a defence to the charge of trafficking in persons.

**Clause 6: Unlawfully destroying or withholding travel document etc.**

This clause creates a special offence in relation to destroying or withholding travel documents as this is a common means of securing the exploitation of persons.

**Clause 7: Transporting a person for the purpose of exploiting that person's prostitution**

This clause creates a special offence in relation to sexual exploitation as a means of preventing this type of exploitation.

**Clause 8: Knowingly receiving financial benefit from trafficking in persons**

This clause creates an offence for the purpose of punishing accomplices and accessories to the offence of trafficking in persons.

**Clause 9: Knowingly receiving financial benefit from trafficking in children**

This clause creates a special offence with heavier penalties where financial benefit is derived from trafficking in children.

**Clause 10: Forfeiture**

This clause implements Articles 12, 13 and 14 of the Convention by providing for a regime of forfeiture and the disposal of the funds so forfeited.

**Clause 11: Restitution**

This clause makes provision for restitution to be made to victims in appropriate circumstances and in particular it implements Article 14 (2) of the Convention.

**Clause 12: Offences of bodies corporate**

This clause supplements the general law relating to the prosecution of corporate bodies in accordance with Article 10 of the Convention and provides for the imposition of heavy penalties where an offence is committed under the Act.

**Clause 13: Additional penalties**

This clause provides for action to be taken to close businesses which are involved in the commission of offences under the Act.

**Clause 14: Victim may offer a defence**

This clause in accordance with Article 6 (2) gives a victim of trafficking the right to give evidence to prove that he or she was not complicit in the offence of trafficking but was genuinely exploited.

**Clause 15: Protection and safety of victims**

This clause implements Article 6 of the Protocol by making provision for the protection of victims of trafficking from recapture and reprisals.

**Clause 16: Privacy of victims**

This clause provides for hearings to be held *in camera* and gives victims the right to have their identity protected in accordance with Article 6 (1) of the Protocol.

**Clause 17: Information for victims**

This clause in accordance with Article 6 (2) makes provision for pertinent information to be given to victims in relation to their immigration status and any legal proceedings that may be undertaken.

**Clause 18: Assistance to victims**

This clause implements Article 6 (3) to (5) of the Protocol by making provision for financial, social and legal assistance to be granted to victims of trafficking.

**Clause 19: Immigration regime for victims**

This clause provides for immigration leniency to be provided to victims of trafficking in accordance with Article 7 of the Protocol.

**Clause 20: Return of victims to home country**

This clause provides for a repatriation regime in accordance with Article 8 of the Protocol.

**Clause 21: Special considerations for child victims**

This clause requires that special consideration be given to child victims in accordance with Article 6 (4) of the Protocol.

**Clause 22: Jurisdiction**

This clause provides for the circumstances in which Barbados will exercise jurisdiction over person involved in trafficking in persons. This jurisdiction is consistent with Article 15 of the Convention.

**Clause 23: Extradition**

This clause generally restates the law applicable to extradition. It is consistent with Article 16 of the Convention.

**Clause 24: Mutual legal assistance**

This clause makes it clear that that the *Mutual Assistance in Criminal Matters Act, Cap. 140A* applies to the offence of trafficking in persons. This provision implements Article 18 of the Convention.

**Clause 25: Warrant**

This clause would facilitate the conduct of investigations and strengthen enforcement.

**Clause 26: Obstructing police officers and other officials**

This clause creates an offence in relation to obstruction and so facilitates the administration and enforcement of the Act.

**Clause 27: National Task Force**

This clause formally establishes the National Task Force Against Trafficking in Persons. The Task Force will develop policies and establish best practices to prevent and control trafficking in Persons. The Task Force will also be responsible for public awareness strategies in accordance with Article 31 of the Protocol.

**Clause 28: Amendment of the Extradition Act Cap. 189**

This clause makes a consequential amendment to the *Extradition Act* by applying that Act to this Bill.

**Clause 29: Amendment of the Defence Act Cap. 159**

This clause makes a consequential amendment to the *Defence Act* by applying the provisions of that Schedule to this Bill.

**Clause 30: Repeal of Act 2011-3**

This clause provides for the repeal of the *Transnational Organized Crime (Prevention and Control) Act, 2011*.

February 2018

**RE: Post-TTA Mobile Surveys**

Dear Colleague:

Thank you for your joining the Warnath Group for our anti-human trafficking conference/workshop in Barbados!

After your training experience, we will contact you at six-month intervals to learn about your experiences fighting human trafficking in the Caribbean through a mobile web survey.

We recognize that your work is very important in the Caribbean. Upon completion of the mobile phone survey, you will receive a small top-up credit for your mobile carrier to defray the cost of taking the survey and in recognition of the value of your time.

You will receive a text message from us inviting you to take a survey on your mobile phone in your internet browser. The first question of the survey will ask you to select your role in anti-human trafficking efforts including 1) Prosecutors & Investigators, 2) Judges, 3) NGO Staff, and 4) Ministry Official and Other (choose 4 if you do not fall under category 1, 2, or 3). Your answer to this question will direct you a set of 12 – 15 questions specific to your role, including multiple choice and open-ended questions. The second through fourth pages of this letter include the complete sets of questions for the survey.

We hope that you will have the opportunity to use the knowledge and skills that the training covers in human trafficking cases – to participate in investigating and prosecuting traffickers and/or identify and support victims of trafficking receiving care. Whether or not you are currently working on anti-human trafficking cases or issues, your participation in responding to the survey is still extremely valuable and we still want to hear from you.

Should you have any questions, please contact us at [LegalAnalyst@WarnathGroup.com](mailto:LegalAnalyst@WarnathGroup.com). We look forward to communicating with you in the future and wish you the best.

Sincerely,

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1440 G St NW, Suite 9118  
Washington, D.C. 20005  
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## Survey Questions

### Prosecutors & Investigators:

1. What is the total number of cases that you prosecuted or investigated as possible human trafficking?
2. What is the total number of human trafficking victims you have worked with?
3. What is the total number of NGO's you have worked with?
4. What is the total number of cases you investigated or prosecuted where charges were brought under your country's human trafficking law?
5. What is the total number of cases you prosecuted or investigated under the human trafficking law that resulted in a finding of not guilty or were dismissed by the court?
6. What is the total number of cases you prosecuted or investigated under the human trafficking law that resulted in a finding of guilt?
7. Of those, how many served time in prison?
8. What is the total number of your cases originally investigated as human trafficking that resulted in criminal charges other than human trafficking? (for example, prostitution, kidnapping, assault, etc.)
9. What is the total number of your cases originally investigated as human trafficking that resulted in a finding of guilt on criminal charges other than human trafficking?
10. Of those, how many served time in prison?
11. How many cases did you prosecute or investigate as possible human trafficking that resulted in no charges being brought?
12. In how many cases did you seek a financial penalty as part of the trafficker's sentence?
13. What do you think are the biggest challenges of prosecuting more human trafficking cases?
14. Is there anything significant about any of your recent cases that you would like to share with us?
15. What victim-centered approaches or techniques have you used while working on human trafficking cases?

### Judges:

1. What is the total number of human trafficking trials you have presided over?
2. What is the total number of these trials that were prosecuted under your country's human trafficking law?
3. Of the cases prosecuted under the human trafficking law, how many resulted in a dismissal before trial?
4. Of the cases prosecuted under the human trafficking law, how many resulted in a finding of not guilty?
5. Of the cases prosecuted under the human trafficking law, how many resulted in a finding of guilt?
6. Of those found guilty, how many served time in prison?
7. Of those found guilty, how many received a suspended sentence?
8. What is the total number of traffickers that received a prison sentence under other criminal offenses?
9. In how many cases did you impose 50% or more of the maximum financial penalty as part of the trafficker's sentence?
10. How many trafficking cases have you referred to another court?



## The WARNATH GROUP

11. What do you think are the biggest challenges of prosecuting more human trafficking cases?
12. Is there anything significant about any of your recent cases that you would like to share with us?
13. What victim-centered approaches or techniques have you used while working on human trafficking cases?

### **NGO Staff:**

1. What is the total number of human trafficking victims you have worked with?
2. How many victims were referred to your organization through local law enforcement?
3. How many victims were referred to your organization through a government entity (not local law enforcement)?
4. How many victims came to you directly on their own?
5. How many victims received services directly from the government?
6. How many victims needed additional services not provided by your organization?
7. How many victims needed additional services currently not available to them from any source?
8. How many foreign national victims were granted the right to remain in country as a direct result of being a trafficking victim?
9. How many victims participated as witnesses in a trial against his or her trafficker(s)?
10. How many victims received restitution or damages from the trafficker through the judicial system?
11. How many victims received restitution or compensation from a government sponsored human trafficking or crime victim fund?
12. How many victims faced criminal convictions for crimes committed while trafficked?
13. What do you think are the biggest challenges of prosecuting more human trafficking cases?
14. Is there anything significant about any of your recent cases that you would like to share with us?
15. What victim-centered approaches or techniques have you used while working on human trafficking cases?

### **Ministry Officials:**

1. How many victims of human trafficking have been assisted by your ministry?
2. How many alleged perpetrators of human trafficking has your ministry handled?
3. What is your role in anti-human trafficking efforts in your country?
4. What type(s) of assistance or information does your ministry provide to victims of human trafficking?
5. What successes has your ministry had in responding to reports of human trafficking?
6. What challenges does your ministry face in responding to reports of human trafficking?
7. What did you learn at the Warnath Group training that has been helpful in formulating a response to reports of human trafficking?
8. What types of interactions does your ministry have with alleged perpetrators of human trafficking?
9. What do you think are the biggest challenges of prosecuting more human trafficking cases?

## The WARNATH GROUP

10. Is there anything significant about any of your recent cases that you would like to share with us?
11. What victim-centered approaches or techniques have you used while working on human trafficking cases?



*This meeting was funded by a cooperative agreement from the United States Department of State. The opinions, findings, and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.*

# The WARNATH GROUP

**Dear Barbados Conference/Workshop on Human Trafficking in the Caribbean Participants:**  
**We created a web page just for you!**


The WARNATH GROUP

TUESDAY, FEBRUARY 6, 2018

HOME BUSINESS CONSULTING SB 657 CSR DESIGN GOVERNMENT ADVISING PHILANTHROPY NEWS AND EVENTS PUBLICATIONS

**Protected: Barbados Conference/Workshop on Human Trafficking in the Caribbean**

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Hi, Warnath Group Alumni!

We've created this web page to share some resources with you that you may find helpful as you handle trafficking cases and encounter trafficking-related questions in the course of your work in the future. Our objective is to ensure that our contact with you does not begin and end in the classroom. Instead, we believe it should be an ongoing process. We are at your disposal whenever and however you think we can be of assistance. Together, we can ensure that trafficking victims get the help they need, and that traffickers do not escape justice.


The information we provide here may be updated from time to time, and as we do so we will advise you via email. Currently, the following resources are available:

Document Repository

TRAINING PARTICIPANT RESOURCES

THE WARNATH GROUP ON TWITTER

 Attending tonight's excellent conversation @VitalVoices with partners discussing important issues in addressing...  
<https://t.co/aTzWh0BtPS>, Oct 3

 .@PwC\_LLPC panel: WG's Sheila Berman, Greg Hermismeyer @JTIP\_State, Veronica Zeitlin @USAID, D Benner @DHSgov, Natika Washington @Polaris\_Project, Jul 20

 WG's Sheila Berman speaking @PwC\_LLPC DC event on importance of public/private partnerships/coalitions to end #humantrafficking, Jul 20

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**This web page compliments the workshop and includes additional resources and laws that we will update overtime.**

**Have questions or need help accessing your web page?**  
**Contact us at [LegalAnalyst@warnathgroup.com](mailto:LegalAnalyst@warnathgroup.com)**