

The WARNATH GROUP

ANTI-HUMAN TRAFFICKING BASIC SKILLS COURSE

FEBRUARY, 2018

HANDBOOK

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The WARNATH GROUP

ABOUT THE WARNATH GROUP

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). 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

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 ST. VINCENT AND THE GRENADINES ANTI-HUMAN TRAFFICKING BASIC SKILLS COURSE

February 12, 2018

WELCOME 8:30 – 9:30

- Sign-In / Receive Binder of Materials and Clicker
- Welcoming Remarks
- Introductions (Instructors and Attendees)

ANTI-TRAFFICKING LAW AND IDENTIFICATION 9:30 – 10:30

- Discussion: Trafficking Situation in SVG – Karen Rigby
- Pre-Presentation Questions on The Law (Clickers)
- Presentation: TIP Law –Al Moskowitz
- Exercise: TIP Law Short Cases
- Post-Presentation Questions on The Law (Clickers)

Coffee Break 10:30 – 10:45

ANTI-TRAFFICKING LAW AND IDENTIFICATION, Continued 10:45 – 12:15

Lunch 12:15 – 1:15

INDICATORS OF HUMAN TRAFFICKING 1:15 – 3:15

- Group Work: Brainstorming Potential Indicators of Human Trafficking
- Pre-Presentation Questions on Indicators (Clickers)
- Presentation: Indicators of Human Trafficking – Albert Moskowitz
- Exercise: Victim Identification Case Studies
- Post-Presentation Questions on Indicators (Clickers)

VICTIM-CENTERED APPROACH 3:15 – 4:15

- Pre-Presentation Questions on Victim-Centered Approach (Clickers)
- Presentation: Victim-Centered Approach and Referral Mechanisms – Karen Rigby
- Discussion: Where and How to get Victim Services – Karen Rigby
- Post-Presentation Questions on Victim-Centered Approach (Clickers)

Wrap-Up for Day One 4:15 – 4:30

FEBRUARY 13, 2018

RECAP FROM DAY ONE, OPPORTUNITY FOR QUESTIONS	8:30 – 9:00
VICTIM-CENTERED APPROACH, Continued	9:00 – 10:30
<i>Coffee Break</i>	10:30 – 10:45
<u>INVESTIGATION and CORROBORATION</u>	10:45 – 12:15
<ul style="list-style-type: none">• Pre-Presentation Questions on Investigation and Corroboration (Clickers)• Presentation: Investigation – Albert Moskowitz• Presentation: Corroboration – Albert Moskowitz• Post-Presentation on Investigation and Corroboration (Clickers)	
<i>Lunch</i>	12:15 – 1:15
<u>INTERVIEWING</u>	1:15 – 3:45
<ul style="list-style-type: none">• Pre-Presentation Questions on Interviewing (Clickers)• Presentation: Interviewing – Albert Moskowitz• Role-Play: Interviewing• Post-Presentation on Interviewing (Clickers)	
<u>CONCLUSION</u>	3:45 – 4:30
<ul style="list-style-type: none">• Selection of “Bridge” Representatives• Information on GeoPoll Follow-up Surveys• Course Evaluation Surveys• Presentation of Certificates	

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The Situation in St. Vincent and the Grenadines

Discussion

**St. Vincent and the Grenadines
February 2018**

TIP Law and Victim Identification

Elements and Suggestions for First Responders

St. Vincent and the Grenadines
February 2018

Triage

First responders recognize **potential** victims of TIP for referral.

Recognize that a final decision on whether a person is a TIP victim is not made by first responders.

Reality Check

- TIP is complicated
- First responders may be unfamiliar with the law
- Situations often confusing
- Lack of time
- Lack of skill
- Lack of resources
- Victims unwilling to cooperate

Definition of Human Trafficking:



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Trafficking in Human Beings is:

... 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 a position of vulnerability, or 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.

*St. Vincent and the Grenadines, Prevention of Trafficking in Persons Act, 2011,
Part I, Section 2 "Interpretations"*

Tracks Article 3, U.N. Trafficking Protocol

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Elements of Trafficking

I. The ACT

(What is Trafficker's connection to the Victim)

- Recruitment
- Transporting
- Transfer
- Harboring
- Receipt

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Elements of Trafficking

II. The MEANS

(How the Trafficker overcomes the will of the Victim)

- Threat or use of force
- Other means of coercion
- Abduction
- Fraud
- Deception
- Abuse of power or a position of vulnerability
- Giving or receiving of payments or benefits to achieve consent of a person having control over another person

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Coercion

- (a) violent coercion such as serious harm or physical restraint against any person
- (b) non-violent or psychological coercion, such as
 - i. threats of serious harm to or physical restraint against any person
 - 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
 - iii. the abuse or threatened about of the legal process

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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.

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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
- (b) taking advantage of the vulnerabilities of a person resulting from
 - i. the person having entered or remained in the country illegally or without proper documentation
 - ii. pregnancy
 - iii. physical or mental disease or disability of any person, including addition to the use of any substance
 - iv. reduced capacity to form judgments by virtue of being a child
 - v. the socio economic circumstances of the person

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Child Victims: Easier to Prove Trafficking

Act + Exploitation = Trafficking (do not have to prove “means” if a child)

“If the person being exploited is a child you do not need to prove the means element for a criminal conviction.”

*St. Vincent and the Grenadines, Prevention of Trafficking in Persons Act, 2011,
Part II, Section 5 (2)*

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Elements of Trafficking ***III. The PURPOSE (EXPLOITATION)***

EXPLOITATION INCLUDES:

- Slavery
- Practices similar to slavery
- Forced labor or services
- Servitude, including domestic or sexual servitude
- Child Pornography
- Exploitation of the Prostitution of another
- Commercial sex exploitation (including pimping, pandering, procuring, profiting from prostitution or maintaining a brothel)
- Sexual exploitation
- Organ removal
- Causing a person to transport illegal items within or across borders
- Deriving a benefit through the abuse of another person

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Exploitation Definitions

Forced Labour – Labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint

Servitude – 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

St. Vincent and the Grenadines, Prevention of Trafficking in Persons Act, 2011, Part I, Section 2 “Interpretations”

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Exploitation Definitions

Sexual Exploitation – compelling a person to engage in (a) prostitution; (b) the production of child pornography or other pornographic material or (c) any other sexual activity by means of threat, coercion, abduction, the effects of drugs, force, fraud or abuse of power

St. Vincent and the Grenadines, Prevention of Trafficking in Persons Act, 2011, Part I, Section 2 “Interpretations”

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Elements of TIP

ACT	MEANS	PURPOSE
Recruitment	Threat or use of force	Slavery & practices similar to slavery
Transporting	Other means of coercion	Forced labor or services
Transfer	Abduction	Servitude (including domestic/sexual)
Harbouring	Fraud	Child Pornography
Receipt	Deception	Exploitation of the Prostitution of another
	Abuse of power or a position of vulnerability	Commercial sex exploitation
	Giving or receiving of payments or benefits to achieve consent of a person having control over another person	Sexual exploitation
		Organ removal
		Causing a person to transport illegal items within or across borders
		Deriving a benefit through the abuse of another person

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OBSERVATIONS

- It's a triage, not a final decision
- Quality not quantity counts
- Not necessary to find an indicator for every element
- "Act" indicators may not be accurate predictors
- "Purpose" is complicated, many types and not defined
- "Means" applies to all types of exploitation
- "Means" lends itself to concrete identifiers

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Indicators of Human Trafficking

**St. Vincent and the Grenadines
February 2018**

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

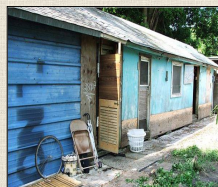


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Worker Living/Working Conditions

- 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 or possessions
- Control of government issued identification or travel documents
- Cell phones or calling cards
- 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

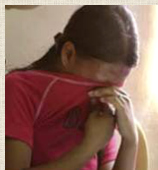
- Fear of authorities
- Trust issues
- Do not see self as a victim
- Shame/guilt
- Language
- Fear
- Unfamiliarity (location, laws, etc.)

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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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The Victim-Centered Approach

St. Vincent and the Grenadines
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What is Victim-Centered Approach

- The systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.
- Victim Centered Approach: Identification, Assistance, and Protection of Trafficking Victims
- “Protect from harm and do no further harm”

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Victim-Centered Approach

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Victim-Centered Approach Continued

- Service provider and law enforcement partnerships are crucial to the provision of a comprehensive and victim-centered response to human trafficking.
- When law enforcement, prosecution, service providers, or other professionals are involved in a case, the needs of victims must remain central in the process.

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Advantages of Victim-Centered Approach

- The victim's wishes, safety, and well-being take priority in all matters and procedures.
- All professionals involved in the human trafficking case must advocate for the victim.

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Advantages of Victim-Centered Approach Continued

- International Best Practice
- Right Thing To Do
- Build a Better Case
- Create a better relationship with the victim
- Victim may be more comfortable when testifying – provide better information and be more believable
- Testimony does not traumatize victim
- Know victim's whereabouts at time of trial

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Advantages of Victim-Centered Approach Continued

- Seeks to minimize retraumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering victims as engaged participants in the process, and providing them an opportunity to play a role in seeing their traffickers brought to justice.
- Plays a critical role in supporting victims' rights, dignity, autonomy, and self-determination, regardless of whether they chose to report or cooperate with law enforcement. For victims who do choose to work with law enforcement, employing a victim-centered approach to criminal investigations is fundamental to a successful criminal case.

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Considerations of Victim Services

Victim Service Providers

- Bring a diversity of specialized service skills, social resources, cultural competence, and ideally, a trauma-informed perspective.
- Assess victim's needs and provide critical support to them. These skills are imperative to building rapport and trust with victims, meeting their needs, and assisting the victim in creating safety and security in their lives.

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Considerations of Victim Services Continued

Protection and Support

- Provide "victim services" - a wide range of support
- Victims' needs vary from case to case
- Often victims can tell you what kind of services they need
- Think about what you would want in their situation

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Considerations of Victim Services Continued

Possible Victims Needs

- Protection
- Medical Treatment (physical and psychological)
- Shelter
- Basic Personal Needs (Food, Clothing, Personal Necessities)
- Time to Recover/Prepare
- Contact with Family
- Transportation / Reintegration/ Interpreter
- Education / Vocational Training
- Source of Income
- Information about Court Processes / Legal Representation
- Information about Next Steps

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Considerations of Victim Services Continued

Common Victim Fears

- Physical Harm (self, family, friends)
- Financial Harm
- Emotional Harm
- Prosecution for Criminal Behavior
- Outcast from Community
- Lack of Privacy

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Considerations of Victim Services Continued

Choices A Victim Can Make

- Anonymity or Serving as an Example for Others
(Warning)
- Reunification or New Opportunity
- Criminal Prosecution of Trafficker or Clean Break with
Past
- Restitution/ Civil Compensation or Clean Break with
Past

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Victim-Centered Actions for Law Enforcement

- Identification of Victims
- No Prosecution or Detention of Victims
- Information for Victims
- Protection and Support for Victims
- Improve the capacities of actors so that in their interactions with the victims, they ensure that their rights are respected and strengthened.

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Discussion

Where/How to get Victim Services?

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Where to Get Victim Services

- **Government: Ministries and Agencies**
 - Social Services Agencies- food, clothing, shelter, rental
 - Hotline
 - Hospitals and Clinics-Medical, Mental Health, Psychological
 - Counselling
 - Immigration Services--Authorization to remain in country
 - Foreign Affairs, Police, Immigration--Interpretation Services
 - Legal and employment counselling

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Where/How to Obtain Victim Services

- **NGOs**
 - Can partner with the Government in providing services offered by the Government
 - Can provide services independently
- **Funding**
 - Government, non-profit organizations, private donors

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Discussion

Referral Mechanisms

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Referral Mechanisms

- Referral mechanisms should be in place to provide victims with the appropriate services and transfer them to care facilities
- Referral mechanisms guide officials in transferring trafficking victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short or long-term care
- The referral process can be in flowchart or in narrative form

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Referral Mechanisms Continued

- Designation of a point person (generally investigator) to inform victim of rights
- Appointment of a case manager—Usually someone from Social Services to coordinate all of the referrals
- SOPs can be prepared for referral processes to make them more effective

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Task Forces

- Task Force is a means to bring specific government agencies together with various service providers and victim advocates to ensure a victim-centered response to human trafficking locally.
- Task Force helps to strengthen a collaborative approach
- Task Force will provide a platform to exchange best practices and access to training to build a robust victim centered approach to identifying and protecting victims of trafficking.

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Investigations and Prosecutions in TIP Cases

St. Vincent and the Grenadines
February 2018

2 KEYS

- Securing Victim cooperation
- Developing Corroboration

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Key 1 Victim Cooperation

- Securing a Full and Truthful Account
- Memorializing the Statement
- Obtaining In-Court Cooperation
- Protect the Victim & Witnesses
- Preparing the Victim to Testify

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Securing a Full and Truthful Account

- **A Traumatized Victim Does Not Make a Good Witness**

- Confusion
- Memory
- Denial
- Minimization v. Exaggeration
- Men as victims

- **Early Involvement of Prosecutor**

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Victim & Witness Concerns

- Personal safety
- Family / friends safety
- Financial risks
- Repercussion in home country or community
- Reputation

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Memorializing the Account

- **Recording options**

- Summary report
- Signed statement
- Recorded statement (audio/video)
- Deposition

- **Timing is crucial**

- Too soon
- Too late

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Victim Tampering

- **Issue:** Victim withdraws cooperation prior to trial due to bribes, threats or undue delay
- **Strategy to minimize victim tampering**
 - Maintain contact with victim throughout
 - Explain status of case, protection measures and compensation rules
 - Urge court to fast track
 - Freeze assets of accused
 - Lock in victim's testimony with pretrial deposition

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Obtain Victim Cooperation

- Establish Trust and Confidence Early
- Maintain Contact Throughout
- Keep Victim Informed
- Secure Victim Protection (Before and During Trial)
- Prepare Victim for Court
- Prepare Victim to Testify or Consider Pretrial Deposition if Admissible

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Protection of Victims and Witnesses Before Trial

- Protect Identity of Victim & Witnesses
- Protect Location of Victim & Witnesses
- Protect Information about Victim's Family including their location
- Do not release contact information for Victim or Witnesses except as required by law

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Protect Victims During Trial

- Make Courthouse Safe for Victim
 - Shielded Entry and Exit
 - Escort to and from court
 - No contact with Defendant or his supporters
 - Private safe waiting place for victim
- Enforce Victim Privacy Rights
- Conduct Closed Hearing when Possible
 - Involvement of Children in hearing
 - Is Judicial approval needed?
 - Other reasons for closed hearings?

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Preparing the Victim to Testify

- (1) Review Prior Statements
- (2) Go Over Direct Examination
- (3) Explain and Practice Cross Examination
- (4) Don't Coach
- (5) Tell the Truth
- (6) Discuss Clothing / Make-Up Choices

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Explain Trial Process in Detail

- Identify Main Players
- Purpose of Trial
- How Evidence is Taken
- Who Asks Questions / What Order
- How Long the Trial Will Take
- Who Decides Guilt/Innocence and Sentence
- What Happens After Trial

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Demystify the Courtroom

- Show Victim Courtroom
- Have Victim Sit in Witness Chair
- Identify Where Main Players Sit
- Show Victim Waiting Area
- Describe Interpretation Process (if any)
- Explain Security Measures in Place
- Practice Taking the Oath

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Review Prior Statements with Victim

- Review All Prior Statements with Victim
 - Refresh Victim's Recollection of Prior Statements
- Identify Inconsistencies
 - Failure to Recall Details
 - Discrepancies Between Statements
 - Discrepancies Between Statements and Evidence
 - Admitted Lies
- Do Not Coach Victim

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Go Over Direct Exam with Victim

- Pre-Plan Your Direct Exam of Victim
 - Tell Clear Chronological Story for Trier of Fact
 - Explain Inconsistencies or Unresolved Problems with the Evidence
 - Ensure Proof of Elements of the Crime
 - Present a Persuasive Case
 - Pre-empt Defense Arguments
- Practice Direct Exam with Victim
- Practice Explaining Inconsistencies or Unresolved Problems (Do Not Coach)

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Explain and Practice Cross Examination

- Explain Role of Defense Attorney in Cross Examination
- Explain Victim's Role in Cross Examination
- Explain Prosecutor's Role in Cross Examination
- Provide Guidelines for Responding to Cross Examination
 - Listen Carefully, Ask for Clarification
 - Answer Politely, Remain Calm
 - Do Not Volunteer Any Information
 - Give Permission to Disagree with Defense Attorney
 - Explain Re-Direct Procedures
- Mock Cross-Examination

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Key 2 Corroboration

- **Facts that tend to support the victim's account**
- **Types**
 - Documents
 - Other victims
 - Neighbors
 - Outcry witnesses
 - First responders
 - Family members
 - NGOs
 - Physical evidence
- **Early involvement of prosecutor**

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Corroboration

**St. Vincent and the Grenadines
February 2018**

Definition

- Any fact or set of facts that tend to support the victim's account.
 - The test is one of logic and common sense
- An inquiry officer, investigator, prosecutor and court shall evaluate all the evidences in their entirety in order to determine whether the evidence which are relevant to a case and which were obtained according to law, are sufficient for reviewing and resolving the case.

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Need for Corroboration

- Burden of Proof
 - The prosecution must prove each element
- Presumption of Innocence
 - Accused is innocent until proven guilty
- Standard of Proof
 - The evidence must prove the case "beyond a reasonable doubt"

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Types of Corroboration

- Documents
- Other victims
- Neighbors
- Outcry witnesses
- First responders
- Family members
- NGOs
- Physical evidence

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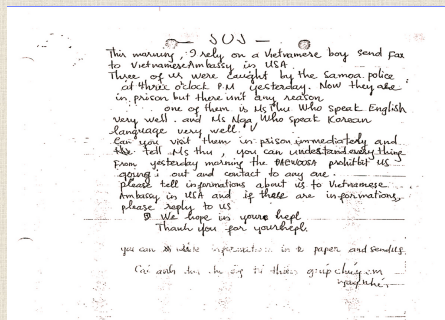
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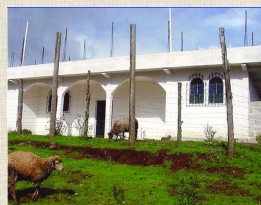
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Interviewing Victims of TIP Challenges and Strategies

**St. Vincent and the Grenadines
February 2018**

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.

Victim-Centered Interviewing

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

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

Facts and Instructions Given to Participants

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.

CASE STUDY 1 (JAMAICAN BAR GIRLS)

PART 1

A Jamaican woman working in a bar phoned the local police station to complain that she was being forced to engage in prostitution by the bar owner. She sounded scared and upset. She begged the police to rescue her.

When the police arrived at the bar, they interviewed the owner who denied any knowledge of prostitution at his establishment. He admitted however that he has two “girls” there serving drinks to customers. He further admitted that they both had come from Jamaica recently and do not have work permits. They were desperate for work and a place to stay. He took pity on them, and offered them employment in exchange for room and board above the bar. When the police asked to see the girls’ passports, the owner went to a safe under the bar and produced them. The passports showed that both women were over the age of 18.

The police then tried to interview the two women in the presence of the owner. They both refused to speak with the police. One of the women appeared to have a black eye and appeared to be quite young. She did not look at the officer when he spoke to her. The officer noted that the photo in the passport seemed to be of an older looking woman.

The officers asked to see the room above the bar where the women lived. The room had two beds, a sink, a hot plate and a window. The window had bars over it. The only door in the room had a lock on the outside.

Finding no evidence of prostitution, the police referred the case to the labour department because they did not have work permits.

CASE STUDY 2 (CONSTRUCTION WORKERS)

PART 1

Early one morning, a labor inspector made a surprise visit to a construction site. The site was completely enclosed by a high fence topped with barbed wire. The gate at the entrance to the site was locked. The inspector announced himself to the guard at the front entrance and asked that he be let in to conduct a routine inspection. The guard appeared to make a phone call, and after a little while, he unlocked the gate.

The site seemed deserted. There were no workers to be seen. After a few minutes, the inspector noticed some movement in a shed located on the site. He tried to open the shed door but it was locked. He found the site foreman in the office and demanded to know who or what was in that shed. The foreman seemed upset but said nothing. He went over to the shed and said something through the door. After a few minutes, the door opened and about 10 workers came out.

None of the workers had identification paperwork. The foreman said that he would call the owner of the construction company and to see if he had any additional information. While the foreman went to make the call, the Labor Inspector tried to speak to the workers. None of them spoke English so he could not communicate with them. The Labor Inspector looked inside the shack and found a makeshift dormitory with bedding on the floor, an open toilet, a sink and a few bags of non-perishable food. It was dark, dirty and smelly. Based upon the limited communication with the workers he understood that is where the workers lived.

The foreman told the inspector that the workers mostly came from Asia and did not have work permits or residency visas. That is why they hid in the shed, afraid that they would be deported and lose a good paying job.

The Labor Inspector referred the case to Immigration authorities.

CASE STUDY 3 (ON THE FARM)

PART 1

The police received a tip from an NGO that workers on a small farm are being mistreated. An officer went to the farm and found that the workers were mostly immigrants from Venezuela. They were housed on the premises in a barn under primitive conditions – no running water, no electricity, and no toilet facilities. The workers used an outhouse located behind the barn.

The officer noted that the field was unenclosed and anyone could have easily walked away, although the nearest neighbor was several kilometers away. He also noted that there were several pit bull dogs on the farm.

The owner of the farm told the officer that he hired the Venezuelans because they worked cheap if there was adequate food and didn't mind living in a barn. He paid them a salary of \$10 week. He also gave them room and board.

The workers told the officer that they were not victims of trafficking, that they stayed on the farm because they needed the money to pay off debts to their recruiter back home who covered their transportation to St. Vincent. They had to leave because of the severe food shortages. The workers said they owed the recruiters \$200 each. They also owed money to the farmer who gave them a credit of \$5 per week for food and lodging. That bill kept getting bigger every week.

The officer could see that one of the men had deep bite marks on his leg. He explained that one of the dogs had bit him the other day. He claimed it was an accident.

CASE STUDY 4 (ADOPTION)

PART 1

The police receive an anonymous tip that parents have been selling their children to traffickers. The tipster says Teresa and Edwin who live in St. Vincent sold a child to a rich couple with a yacht. The police go to interview the couple who provides the following statement:

Teresa and Edwin live with their four children. They are very poor. Edwin finds odd jobs as he can. Work has been hard to come by over the last year and Edwin had trouble providing for his family. When Teresa discovered she was pregnant with their fifth child, Teresa and Edwin worried how they would feed and look after the new baby.

Unfortunately, Edwin was fired from the part-time job he had and neither he nor Teresa could find steady paid work. They have no family in the area and there is no one to help them. Teresa and Edwin felt they could not provide for their new baby Marlon.

Teresa's neighbor Cornelius tells her about a man who pays parents to give up their babies to him. He then arranges for an adoption by childless couples from the US. Teresa and Edwin do not want to lose Marlon, but they do not have enough money to pay rent and buy food and clothes for all their kids. So they decide Marlon will be better off with a rich family who want a baby.

Cornelius introduced them to the man who buys babies, who did not tell them his name. The man told Teresa that he would pay \$1250 for Marlon and arrange for a rich childless couple to adopt Marlon. The man assured her that Marlon would be well looked after and have a good happy life. Teresa, who cannot read, signed some papers, giving custody of Marlon to the man. Teresa was given \$1250 and returned home alone.

The police track down the man who took Marlon through Cornelius. He tells them that indeed he gave Marlon, along with the paperwork signed by Teresa, to a wealthy couple from the US for US\$20,000. As far as he knows, the couple took Marlon back to their home in the US where they are raising him as their own son. The man refuses to divulge the names of the couple from the US.

The case is referred to the prosecutor.

CASE STUDY 5 (ISABEL)

PART 1

Isabel is from the Philippines. She is working for a family in the Grenadines. She does the cooking, cleaning and childcare for three young children. Isabel has been living with this family for three years. She has been feeling ill for a few months and has been in pain and has a fever. Her employers gave her some pills, but they did not help. It is becoming too difficult for her to work so the employers decide to take her to the medical clinic. At the clinic, the employer insists on being with Isabel during the interview.

1. The intake reveals further information about Isabel. She is 28 years old. She has two young children at home in the Philippines, living with her mother. The clinic staff asks how Isabel came to be in the Grenadines and working for this employer. Isabel looks at the employer with a frightened expression. The story that Isabel tells about coming to work here is not very clear. When the clinic staff begin to ask more specific medical questions, Isabel shows more anxiety. The clinic staff person decides to take Isabel into another examination room without her employer. The employer is not happy about this, but the clinic staff explains that it is clinic protocol.
2. A physical exam reveals a few problems- Isabel's right arm is extremely tender and she has limited range of motion. A gynecological exam shows signs of an ongoing infection.

What are the follow-up questions based on this information?

What are next steps, depending on Isabel's responses.

- a. If she is referred to police, what are follow-up questions?
- b. If she is referred to immigration, what are follow-up questions?
- c. If she is referred to Social Services, what are follow-up questions?

CASE STUDY 6 (VALENCIA & SANDRA)

PART 1

Valencia and Sandra are from Haiti. They were unable to find work in Haiti and both are responsible for helping their families. They had some relatives in St. Vincent so decided to try to go there. They were successful in reaching St. Vincent. Before they were able to contact their relatives, a man offered them work cleaning offices and hotel rooms. Valencia and Sandra agreed to the verbal contract, but received nothing in writing. This man told them that they could rent a small room in his house and share meals with his family. He would provide transport to their jobs every day. He told them that he would pay them each \$100/week for their work. Valencia and Sandra were very happy with this arrangement and believed that they would be able to help their families in Haiti.

1. One night while cleaning an office, a fire broke out nearby. The two women ran outside. Police and firefighters were at the scene and wanted to talk to everyone who had been in the building. The two women were scared since their boss had told them not to talk with anyone when he was not there. The police conducted an informational interview.

Additional information-

2. The women were unable to give the address where they were staying. They reported that they had been working for eight months, but had received no pay. They appeared to be very underweight and said they were hungry.

What are next steps? Who else should be called in?

(Immigration, DOL, Social Services, Medical)

What further information is needed to determine outcome?

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

**PART I
PRELIMINARY**

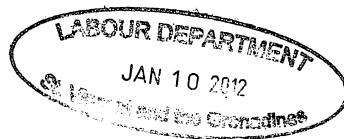
SECTION

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



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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



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.

(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 –
“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

Short title and
commencement

Interpretation

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

136	137	2011
No. 27	No. 27	2011
Prevention of Trafficking in Persons	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"> (i) the person having entered or remained in the country illegally or without proper documentation; (ii) pregnancy; (iii) physical or mental disease or disability of the person, including addiction to the use of any substance; or (iv) reduced capacity to form judgments by virtue of being a child; (v) the socio-economic circumstances of the person; <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"> (a) audio or visual depiction of any kind, whether – <ul style="list-style-type: none"> (i) made or produced by electronic, mechanical or other means; or (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 (b) any representation of the genitalia of a child, where such audio or visual depiction or representation lacks genuine literary, artistic, or scientific value; <p>“coercion” means –</p> <ul style="list-style-type: none"> (a) violent coercion such as serious harm or physical restraint against any person; and 	<p>(b) non-violent or psychological coercion, such as –</p> <ul style="list-style-type: none"> (i) threats of serious harm to or physical restraint against any person; (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 (iii) the abuse or threatened abuse of the legal process; <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"> (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) child pornography; (f) the exploitation of the prostitution of another; (g) engaging in any form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel; 	

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
139	Prevention of Trafficking in Persons	2011
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

No. 27	140 Prevention of Trafficking in Persons	2011	141	141 Prevention of Trafficking in Persons	2011
	<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>	

PART II

CRIMINAL OFFENCES AND RELATED PROVISIONS

No. 27	142 Prevention of Trafficking in Persons	2011	No. 27	143 Prevention of Trafficking in Persons	2011
Aggravated circumstances	<p>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> <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> <p>the court may impose an additional term of imprisonment of up to twenty years.</p>		<p>(2) In this section –</p> <p>“dangerous weapon” means –</p> <p>(a) an instrument capable of inflicting death or serious bodily injury; or</p> <p>(b) an object that is not an instrument capable of inflicting death or serious bodily injury but –</p> <p>(i) closely resembles such an instrument; or</p> <p>(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;</p> <p>“life-threatening illness” means any illness that involves a substantial risk of death, and includes Human Immunodeficiency Virus Infection (HIV/AIDS) and tuberculosis;</p> <p>“permanent or life-threatening bodily injury” means –</p> <p>(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;</p> <p>(b) disfigurement that is likely to be permanent; or</p> <p>(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;</p> <p>“serious bodily injury” means –</p> <p>(a) injury involving extreme physical pain or the protracted impairment of a function of a bodily member, organ or mental faculty; or</p> <p>(b) injury requiring medical intervention such as surgery, hospitalisation or physical rehabilitation;</p> <p>“sexual assault” means –</p> <p>(a) causing another person to engage in a sexual act by–</p>		

No. 27	Prevention of Trafficking in Persons	2011
	<p>(i) using force against that person;</p> <p>(ii) threatening or placing that person in fear that any person will be subjected to death, serious bodily injury, or kidnapping; or</p> <p>(b) engaging in a sexual act with –</p> <p>(i) an incapacitated person; or</p> <p>(ii) a person who cannot express consent.</p>	
	<p>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.</p> <p>(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.</p>	
Legal age of consent to sex not a defence to trafficking in persons	<p>10. The legal age of consent to sex or to marriage is not a defence to the offence of trafficking in persons.</p>	
Victim to be immune from prosecution	<p>11. A victim is not criminally liable for any immigration-related offence, or any other criminal offence that is a direct result of being trafficked.</p>	
Forfeiture	<p>12. (1) Where a person has been convicted of the offence of trafficking in persons and the court is satisfied that any property, including but not limited to money, valuables and other movable and immovable property, of the person convicted was used or intended to be used, or was obtained in the course of the crime or benefits were gained from the proceeds of the crime, the court shall order that the property be forfeited to the State.</p> <p>(2) Overseas assets of persons convicted of trafficking in persons shall also be subject to forfeiture.</p>	
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No. 27	146 Prevention of Trafficking in Persons	2011	147 Prevention of Trafficking in Persons	2011
Restitution	<p>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.</p> <p>(2) Restitution under this section shall compensate, where applicable, for any of the following –</p> <ul style="list-style-type: none"> (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. <p>(3) Restitution shall be paid to the victim –</p> <ul style="list-style-type: none"> (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.	<ul style="list-style-type: none"> (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. <p>(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.</p> <p>(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.</p> <p>(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 –</p> <ul style="list-style-type: none"> (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. 	<p>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.</p> <p>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 –</p>
Entry, search and seizure	<p>(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).</p> <p>(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 –</p>	<p>Offence of threatening, obstructing, etc., a police officer</p>		<p>Jurisdiction</p>

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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>	
	PART III ASSISTANCE AND PROTECTION OF VICTIMS OF TRAFFICKING	
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>	
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>	
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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>	
	(a) relocation;	
	(b) new identity documents establishing identity;	
	(c) new residence;	
	(d) work permits; or	
	(e) protection of confidentiality of identity and location.	
	<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>	Protection of the privacy of victims, including proceedings held in camera
	(2) A hearing under this section shall be held in camera if the court so orders.	
	(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>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>	Information for victims
	<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>	
	(2) An interpreter who speaks a language the victim understands must be made available to the victim during the course of legal proceedings.	Opportunity for the presentation of the victim's views and concerns

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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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152	<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
153	Prevention of Trafficking in Persons	2011
No. 27	<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> <ul style="list-style-type: none"> (a) place of birth; (b) presence of family members; (c) presence of friends; (d) significant knowledge of specific geographical areas and neighbourhoods; (e) long-term residence in Saint Vincent and the Grenadines; or (f) any other means. <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
1	<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
Return of victims to country of citizenship or lawful residence	<p>(3) The Minister shall designate a public officer to deal with requests made under this section.</p> <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>S p e c i a l consideration to be given to child victims</p>	<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> <ol style="list-style-type: none"> arrangements to have the child testify outside the court setting or by video; arrangements to have all testimony and court proceedings take place in the presence of a parent, legal guardian, foster parent or social worker; arrangements to have a legal practitioner attend court proceedings solely on behalf of the child; 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 arrangements to facilitate the provision of special mental and physical medical care tailored to the needs of a child. 	
<p>Responsibilities of international commercial transportation companies or individuals</p>	<p>MISUSE OF COMMERCIAL TRANSPORTATION</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>PART V</p> <p>NATIONAL TASK FORCE AGAINST TRAFFICKING IN PERSONS</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> <ol style="list-style-type: none"> 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; to develop a national plan to address trafficking in persons and coordinate its effective implementation; to coordinate the collection and sharing of trafficking data among government agencies; to coordinate the sharing of information between agencies for the purpose of – 	<p>Establishment of the Task Force</p> <p>Functions of the 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</p>			<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>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>Composition of the Task Force</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>	
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"> (a) the number of victims identified; (b) the number of investigations initiated; (c) the number of persons arrested; (d) the number of prosecutions commenced and the outcome; and (e) any other pertinent matter which the Minister considers necessary. 	

PART VI
GENERAL

159	Prevention of Trafficking in Persons	2011
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>	<p>Exclusion of persons implicated in trafficking</p> <p>Regulations</p> <p>Consequential amendment to Proceeds of Crime and Money Laundering (Prevention) Act Cap. 181</p>

No. 27	160 Prevention of Trafficking in Persons	2011
	<p data-bbox="430 1465 451 1556">SCHEDULE</p> <p data-bbox="467 1186 488 1268">(section 2)</p> <p data-bbox="540 1186 602 1833">PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME</p> <p data-bbox="618 1759 639 1833">Preamble</p> <p data-bbox="651 1577 672 1833"><i>The States Parties to this Protocol,</i></p> <p data-bbox="683 1186 794 1833"><i>Declaring 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,</i></p> <p data-bbox="805 1186 891 1833"><i>Taking into account 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,</i></p> <p data-bbox="902 1186 948 1833"><i>Concerned that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,</i></p> <p data-bbox="959 1186 1070 1833"><i>Recalling 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,</i></p> <p data-bbox="1081 1186 1167 1833"><i>Convinced 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,</i></p> <p data-bbox="1179 1654 1200 1833"><i>Have agreed as follows:</i></p>	
No. 27	161 Prevention of Trafficking in Persons	2011
	<p data-bbox="430 464 451 625">I. General provisions</p> <p data-bbox="462 512 483 579"><i>Article 1</i></p> <p data-bbox="495 373 553 716"><i>Relation with the United Nations Convention against Transnational Organized Crime</i></p> <p data-bbox="565 216 610 869">1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.</p> <p data-bbox="621 216 667 869">2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.</p> <p data-bbox="678 216 724 869">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 data-bbox="735 512 756 579"><i>Article 2</i></p> <p data-bbox="768 464 789 625"><i>Statement of purpose</i></p> <p data-bbox="800 617 821 869">The purposes of this Protocol are:</p> <p data-bbox="833 216 878 840">(a) To prevent and combat trafficking in persons, paying particular attention to women and children;</p> <p data-bbox="889 216 935 840">(b) To protect and assist the victims of such trafficking, with full respect for their human rights; and</p> <p data-bbox="946 216 967 840">(c) To promote cooperation among States Parties in order to meet those objectives.</p> <p data-bbox="979 512 1000 579"><i>Article 3</i></p> <p data-bbox="1011 499 1032 592"><i>Use of terms</i></p> <p data-bbox="1044 617 1065 869">For the purposes of this Protocol:</p> <p data-bbox="1076 216 1261 840">(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>	

162	No. 27	Prevention of Trafficking in Persons	2011
		<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> <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> <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>	

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.

No. 27	164 Prevention of Trafficking in Persons	2011
	<p data-bbox="422 546 446 577"><i>Article 7</i></p> <p data-bbox="422 577 446 856"><i>Status of victims of trafficking in persons in receiving States</i></p>	<p data-bbox="422 856 446 888">165</p> <p data-bbox="422 888 446 1631">Prevention of Trafficking in Persons 2011</p>
	<p data-bbox="454 546 495 856">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.</p>	<p data-bbox="454 856 495 888">6.</p> <p data-bbox="454 888 495 1631">This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.</p>
	<p data-bbox="503 546 544 856">2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.</p>	<p data-bbox="503 856 544 888">III. Prevention, cooperation and other measures</p> <p data-bbox="503 888 544 924"><i>Article 9</i></p> <p data-bbox="503 924 544 1631"><i>Prevention of trafficking in persons</i></p>
	<p data-bbox="552 546 592 856">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.</p>	<p data-bbox="552 856 592 888">1.</p> <p data-bbox="552 888 592 1631">States Parties shall establish comprehensive policies, programmes and other measures:</p>
	<p data-bbox="600 546 641 856">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.</p>	<p data-bbox="600 856 641 888">(a)</p> <p data-bbox="600 888 641 1631">To prevent and combat trafficking in persons; and</p>
	<p data-bbox="649 546 690 856">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.</p>	<p data-bbox="649 856 690 888">(b)</p> <p data-bbox="649 888 690 1631">To protect victims of trafficking in persons, especially women and children, from revictimization.</p>
	<p data-bbox="698 546 738 856">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.</p>	<p data-bbox="698 856 738 888">2.</p> <p data-bbox="698 888 738 1631">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.</p>
	<p data-bbox="747 546 787 856">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.</p>	<p data-bbox="747 856 787 888">3.</p> <p data-bbox="747 888 787 1631">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.</p>
		<p data-bbox="795 856 836 888">4.</p> <p data-bbox="795 888 836 1631">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.</p>
		<p data-bbox="844 856 885 888">5.</p> <p data-bbox="844 888 885 1631">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.</p>
		<p data-bbox="893 856 933 888"><i>Article 10</i></p> <p data-bbox="893 888 933 1631"><i>Information exchange and training</i></p>
		<p data-bbox="941 856 982 888">1.</p> <p data-bbox="941 888 982 1631">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:</p>

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No. 27	Prevention of Trafficking in Persons	2011
(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;	
(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	
(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.	
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.	
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.	
	<i>Article 11</i>	
	<i>Border measures</i>	
1.	Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.	
2.	Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.	
3.	Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.	

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.

Printed by the Government Printer at the Government Printing Office,
Campden Park, St. Vincent and the Grenadines.

2011 [Price \$22.20]

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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

The following documents, available in English, may be helpful as you investigate cases, prepare for prosecution, seek international cooperation, or conduct other trafficking-related work:

TRAINING PARTICIPANT RESOURCES

THE WARNATH GROUP ON TWITTER



Attending tonight's excellent conversation @VitalVoices with partners discussing important issues in addressing...
<https://t.co/aTzWh0BiPS>, Oct 3



.@PwC_LL_P panel: WG's Sheila Berman; Greg Hermesmeyer @JTIP_State; Veronica Zeitlin @USAID; D Benner @DHSgov; Natika Washington @Polaris_Project, Jul 20



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

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