

ACT

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**THE ANTI-HUMAN TRAFFICKING AND MIGRANT
SMUGGLING ACT, 2022**

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Passed in Parliament this *26th day of April*, in the year of our Lord two thousand and Twenty Two.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

(2) The court shall make a prevention order under subsection (1) where it is satisfied that—

- (a) there is a risk that the accused may commit a human trafficking or migrant smuggling offence under this Act, and
- (b) it is necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm.

Regulations. **37.** The Minister may, by statutory instrument, make regulations to carry into effect the provisions of this Act.

Repeal and savings. **38.** (1) The Anti-Human Trafficking Act, 2005 is hereby repealed.

(2) Notwithstanding subsection (1), any orders, regulations or other instruments made under the repealed Act shall remain in force until such time as the orders, regulations or other instruments are revoked.

Transitional provision. **39.** (1) Criminal proceedings instituted under the repealed Act prior to the commencement of this Act, shall be concluded as if this Act had not been passed.

(2) Where an offence under the repealed Act has been committed but criminal proceedings have not been commenced, this Act shall apply.

SIGNED this 18th day of July, 2022.

DR. JULIUS MAADA BIO,
President.



No. 12



2022

The Anti-Human Trafficking and Migrant Smuggling Act, 2022 Short title.

Being an Act to provide for the continuing in existence of the National Task Force on Human Trafficking, to provide for the continuing in existence of a Secretariat to assist the Task Force, to provide for the prosecution of the offence of human trafficking, to provide for the prosecution of the offence of migrant smuggling, to provide for economic alternatives to human trafficking or smuggling of persons and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires—

“abuse of a position of vulnerability” means abuse that the person believes he has no reasonable alternative but to submit to the labour or service demanded of the person, and includes taking advantage of the vulnerabilities resulting from the person having entered a country illegally or without proper documentation, pregnancy, physical or mental disease or disability of the person, addiction to the use of substance, or reduced capacity to form judgements by virtue of being a child;

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

“coercion” means force or some form of non-violent or psychological force including—

- (a) threats of serious harm to or physical restraint against a person;
- (b) a scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm, physical restraint or legal action against a person; or
- (c) the abuse or threatened abuse against a person;

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than 50,000,000 Leones or to a term of imprisonment of not less than 3 years or to both such fine and imprisonment.

PART VIII—MISCELLANEOUS

35. The Task Force shall, either alone or in conjunction with other persons or organisations, take measures that will enhance economic opportunity for potential victims of human trafficking including—

Economic measures to prevent human trafficking.

- (a) microcredit lending programmes, training in business development, skills training and job counselling;
- (b) programmes to promote women’s participation in economic decision making;
- (c) programmes to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking, and
- (d) the development of educational curricula regarding the dangers of trafficking.

36. (1) A court may make a prevention order against a person accused of human trafficking or migrant smuggling on an ex-parte notice of motion, unless the court orders it to be on notice.

Prevention orders.

Interfering with order or relevant document or material prohibited.

33. (1) A person shall not—

- (a) falsify, conceal, destroy or otherwise dispose of, cause or permit the falsification, concealment, destruction or disposition of a document or material which he knows or has reasonable grounds to believe is likely to be relevant to the execution of an order under this Act;
- (b) interfere with an order which has been made requiring a witness or victim to testify;
- (c) engage in other acts of interference including bribery or other forms of corrupt practices, intimidation or coercion.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than 50,000,000 Leones or to a term of imprisonment of not less than 3 years or to both such fine and imprisonment.

Divulging information prohibited.

34. (1) A person shall not, where he knows or has reasonable grounds to believe that an investigation into a human trafficking or migrant smuggling offence is likely to be prejudiced or compromised, divulge that fact or other information to another person.

“debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his personal services or those of a person under his control as a security for debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

‘electronic evidence’ means photographs, video recording, audio recordings, evidence derived from data contained in or produced by any device the functioning of which depends on a software program or from data stored on or communicated over a computer system or network;

“exploitation” includes—

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) compelling or causing a person to provide forced labour or services;
- (d) keeping a person in a state of servitude, including sexual servitude;
- (e) exploitation of the prostitution of another;
- (f) engaging in other form of commercial sexual exploitation, such as pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child pornography and online child exploitation;

- (g) slavery and servitude;
- (h) illicit removal of human organs;
- (i) exploitation during armed conflicts;

“forced labour” means labour or services obtained or maintained through force, threat of force or other means of coercion or physical restraint;

“fraudulent travel or identity document” includes a counterfeit copy, illicitly modified genuine travel or identity document made by unauthorised persons, to be used deceptively as if it were a legitimate travel or a travel or identity document obtained from an authorised issuer by providing false information;

“illicit removal of organs” means the illegal removal of a human organ and not the legitimate medical procedures for which proper consent has been obtained;

“Minister” means the Minister responsible for Social Welfare;

“practices similar to slavery” includes debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation;

“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 other person or through a scheme, plan or pattern intended to cause the person to believe that, if the person do not perform such labour or services, that person or another person would suffer serious harm;

- (i) the accused;
- (ii) members of the family or associates of the accused, or
- (iii) any other person who is likely to be an accused or a witness in the proceedings.

(3) In addition to the issues to be taken into account under subsection (2), the court shall consider views expressed by the witness.

(4) The trial judge shall determine the measures necessary for the protection of a witness including—

- (a) conducting proceedings in camera;
- (b) sealing or restricting access to the record of court proceedings;
- (c) permitting evidence of a victim or a witness to be given means out of view of the accused, such as behind a screen, through a video link or other similar communications technology; or
- (d) use a pseudonym of a victim or a witness.

Witness
protection.

32. (1) A witness, other than the accused, in a criminal trial under this Act, shall be eligible for witness protection if the court is satisfied that the quality of evidence given by the witness in the proceedings is likely to be diminished by reason of fear or distress on the part of the witness.

(2) In determining whether a witness is eligible for witness protection under subsection (1), the court shall take into account—

- (a) the nature and alleged circumstances of the offence to which the proceedings relate;
- (b) the age of the witness;
- (c) matters which appear to the Court to be relevant including—
 - (i) the social and cultural background of the witness;
 - (ii) the domestic and employment circumstances of the witness; and
 - (iii) religious beliefs or political opinions of the witness;
- (d) behaviour towards the witness on the part of—

“slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

“smuggling” means the offence of migrant smuggling under section 20;

“Task Force” means the National Task Force on Human Trafficking referred to in section 2;

“trafficking” means the offence of trafficking of persons stated in section 12;

“Trust Fund” means the Victims of Human Trafficking Trust Fund established under section 11;

“vessel” means a craft designed for transportation on water, such as a ship or boat;

“victim” means a person who has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental human rights, through acts that are in violation of this Act.

PART II—THE NATIONAL TASK FORCE ON HUMAN TRAFFICKING

2. (1) There shall continue in existence a body known as the National Task Force on Human Trafficking consisting of the Minister of Social Welfare as Chairman and the following other members or their representatives, not below the rank of a Director—

National Task
Force on
Human
Trafficking.

- (a) The Attorney General and Minister of Justice;
- (b) The Minister of Finance;
- (c) The Minister of Labour and Social Security;
- (d) The Minister of Gender and Children's Affairs;
- (e) The Minister of Local Government and Rural Development;
- (f) The Minister of Foreign Affairs and International Cooperation;
- (g) The Minister of Information and Communication;
- (h) The Minister of Health and Sanitation;
- (i) The Minister of Internal Affairs
- (j) The National Security Coordinator in the Office of National Security;
- (k) The Chief Immigration Officer;
- (l) The Inspector General of Police;
- (m) The Chairman, Human Rights Commission;
- (n) The Director, Financial Intelligence Unit; and
- (o) The Executive-Director appointed under section 5 as Secretary to the Task Force.

- (c) costs of necessary transportation, temporary housing and child care;
- (d) lost income;
- (e) legal practitioner's fees and other legal costs;
- (f) the greater of the gross income or value to the defendant of the victim's services or labour;
- (g) emotional distress, pain, and suffering; and
- (h) any other losses suffered by the victim.

(3) Restitution shall, upon the conviction of the defendant, be paid—

- (a) to the victim promptly and in any event not later than 90 days from the date of conviction;
- (b) with the proceeds from property forfeited under section 30;
- (c) for the return of a victim to his home country or normal place of abode but the absence of the victim from the jurisdiction shall not prejudice the victim's right to receive restitution.

Extradition Act, 1974 to apply.

29. A request for extradition of an offender under this Act shall be subject to the Extradition Act, 1974 (Act No. 11 of 1974) which shall be applied as if human trafficking or smuggling is an offence for which extradition may be granted.

Property to be forfeited to the State.

30. (1) Property, including but not limited to money, valuables, real property and vehicles, belonging to a person who is convicted of an offence of human trafficking under section 12 or migrant smuggling under section 20 that was used or intended to be used or was obtained in the course of the offence, or benefits gained from the proceeds of the offence, shall be forfeited to the State.

(2) Overseas assets of a person convicted of human trafficking shall be forfeited to Government.

Defendant to pay restitution.

31. (1) Where a defendant is convicted of an offence of human trafficking under section 12 or migrant smuggling under section 20 the court shall order the defendant to pay restitution to the victim.

(2) Restitution ordered by the court under subsection (1) shall compensate the victim for –

- (a) costs of medical and psychological treatment;
- (b) costs of physical and occupational therapy and rehabilitation;

(2) The Task Force shall be a body corporate with perpetual succession and, subject to this Act, capable of performing all such functions as bodies corporate may by law perform.

3. (1) The object for which the Task Force exists is for the implementation and enforcement of this Act. Functions of Task Force.

(2) Without prejudice to the generality of subsection (1), the Task Force shall have the responsibility to–

- (a) receive and investigate reports of activities of human trafficking from the public or otherwise coming to its attention;
- (b) monitor the immigration and emigration patterns of Sierra Leone for evidence of human trafficking and to secure the prompt response of the police and other law enforcement agencies;
- (c) initiate measures to–
 - (i) inform and educate the public about the causes and consequences of human trafficking;
 - (ii) collect, store and publish data on human trafficking;
- (d) cooperate with foreign governments in the investigation and prosecution of human trafficking;

- (e) advise Government on human trafficking, including the need to cooperate in international efforts against human trafficking, the adoption of the economic alternatives to prevent and deter human trafficking;
- (f) render assistance to victims of human trafficking;
- (g) perform such other related functions as are conducive to the attainment of the object of the Task Force.

Meetings of Task Force.

4. (1) The Task Force shall meet for the dispatch of its business at least once every 3 months and at such time and place as the Chairman may determine.

(2) At a meeting the Chairman shall preside, and in his absence, the members of the Task Force shall elect a Chairman from among their number.

(3) The quorum at a meeting of the Task Force shall be 7.

(4) Decisions of the Task Force shall be taken by a simple majority of the members of the Task Force present and voting and, in the case of equality of votes, the Chairman or other member presiding shall have a casting vote.

(5) The Task Force may, in addition to members listed under subsection (1) of section 2, co-opt any person to advise or otherwise render assistance to it at any of its meetings but such person shall not vote on any matter for decision by the Task Force.

(2) In deciding whether electronic evidence should be admitted under paragraph (b) of subsection (1), the court shall have regard to factors in the interest of justice including –

- (a) how much probative value the evidence has (assuming it to be true) in relation to a matter in issue in the proceedings, or how valuable it is for the understanding of other evidence in the case;
- (b) what other evidence has been, or can be, given on the matter or evidence mentioned in paragraph (a);
- (c) how important the matter or evidence mentioned in paragraph (a) is in the context of the case as a whole;
- (d) the circumstances in which the evidence was obtained;
- (e) how reliable the evidence appears to be.

28. An attempt or conspiracy to commit or aiding, abetting, counselling, commanding, or procuring the commission of an offence under this Act shall be punishable as if the offence had been completed. Attempt, aiding and abetting, etc.

Indictment preferred without previous committal.

25. An indictment relating to an offence under this Act shall be preferred without a previous committal for trial and it shall in all respects be deemed to have been preferred pursuant to subsection (1) of section 136 of the Criminal Procedure Act, 1965 and shall be proceeded with accordingly.

Offences by body of persons.

26. (1) Where an offence under this Act is committed by a body of persons, if the body of persons is –

- (a) a body corporate, every director or officer of that body shall be deemed to have committed that offence;
- (b) a firm, every partner of that firm shall be deemed to have committed that offence:

(2) A person shall not be deemed to have committed an offence under section (1) if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Admissibility of electronic evidence.

27. (1) In a proceeding under this Act, electronic evidence is admissible if –

- (a) all parties to the proceedings agree to it being admitted, or
- (b) the court is satisfied that it is in the interests of justice for it to be admissible.

(6) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members of the Task Force shall be of the same force or effect as a decision made at a properly constituted meeting of the Task Force and shall be incorporated in the minutes of the next succeeding meeting of the Task Force; provided that if a member requires that such proposal be placed before a meeting of the Task Force this subsection shall not apply to the proposal.

(7) Members of the Task Force shall be paid such allowances as determined by the Minister of Social Welfare, after consultations with the Attorney-General and Minister of Justice, and the Minister of Finance.

5. (1) There shall be a Task Force Secretariat, headed by an Executive Director appointed by the President, on the recommendation of the Minister of Social Welfare and subject to the approval by Parliament, to provide administrative, secretarial and other assistance to the Task Force. Task Force Secretariat.

(2) The Executive Director shall be a person with a Masters Degree in Social Sciences from an accredited University, with at least 10 years working experience in the field of Administration or related field of Discipline.

(3) The Executive Director shall be responsible to the Task Force for –

- (a) the day-to-day management of the affairs of the Task Force;
- (b) the administration, organisation and control of the other staff of the Secretariat;

- (c) the management of the funds and other property of the Task Force;
- (d) organising cooperation with other Governments and international organisations against trafficking, and
- (e) performing such other functions as the Task Force may determine.

(3) In addition to the Executive Director appointed under subsection (1), the Secretariat shall have other staff who may include Directors, Managers, Coordinators or such other officers appointed by the Task Force on terms and conditions as the Task Force may determine from time to time, or seconded from the various Ministries and other organisations represented on the Task Force, for the efficient performance of the functions of the Secretariat.

Tenure of Executive Director.

6. The Executive Director shall hold office for a term of 4 years and shall be eligible for reappointment for another term only.

Funds of Task Force.

7. The activities of the Task Force shall be financed by a fund consisting of –

- (a) monies appropriated for the purposes of the Task Force by Parliament; and
- (b) grants, gifts and donations made to the Task Force by any person or authority.

Accounts and audit.

8. (1) The Task Force shall keep proper books of account and other records in relation to the activities, property and finances of the Task Force in a form approved by the Auditor-General and

22. (1) A person shall not transit a smuggled migrant through the territorial waters of Sierra Leone in a vessel exercising freedom of navigation in accordance with international law and flying the flag or displaying the marks of registry of another country. Transit of smuggled migrant prohibited.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than 250,000,000 Leones or to a term of imprisonment of not less than 10 years or to both such fine and imprisonment.

23. (1) A person shall not intentionally harbour another person who is not a citizen or permanent resident of Sierra Leone and who has not complied with the necessary requirements for legally remaining in Sierra Leone. Harbouring non-citizen prohibited.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a term of imprisonment of not less than 5 years or a fine of 10,000,000 Leones or to both fine and imprisonment.

PART VII–JUDICIAL PROCEEDINGS

24. A court in Sierra Leone shall have jurisdiction to try an offence under this Act where an act which constitutes the offence has been carried out— Jurisdiction.

- (a) wholly or partly in Sierra Leone;
- (b) by a citizen of Sierra Leone anywhere;
- (c) by a person resident in Sierra Leone;
- (d) by a person on board a vessel or aircraft registered in Sierra Leone.

(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, serve a term of imprisonment of not less than 15 years.

Fraudulent adoption, etc., prohibited.

15. (1) A person shall not, through deception or fraud, acquire or facilitate the acquisition of documents or knowingly engage in misrepresentation or in the receiving or payment to obtain the consent of a government official, parent, relative or other care giver for the purpose of carrying out a fraudulent adoption of a child.

(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, serve a term of imprisonment of not less than 10 years.

Unlawfully withholding identification document prohibited.

16. (1) A person, acting or purporting to act as another person's employer, manager, supervisor, employment or recruitment agent, contractor, or solicitor of clients shall not knowingly procure, destroy, conceal, remove, confiscate or possess a passport, immigration document, belonging to another person for an unlawful purpose.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a term of imprisonment of not less than 10 years.

PART V – PROSECUTION OF HUMAN TRAFFICKING OFFENCES

Consent, of victim irrelevant.

17. In a prosecution for an offence of human trafficking–

- (a) the consent of an intended or realised victim is irrelevant where any of the specified means of exploitation has been used;

- (b) the Executive Director, who shall be Secretary to the Board.

(3) The object for which the Trust Fund is established is to finance protection services for victims of human trafficking including,–

- (a) the provision of interim care facilities or rehabilitation shelters for trafficking victims when and where practicable;
- (b) the provision of medical and related services for victims of trafficking living in rehabilitation shelters or in communities;
- (c) supporting witness protection services as part of legal aid to victims of trafficking when and wherever practicable;
- (d) supporting family tracing and re-unification services for trafficking victims;
- (e) provision of general protection services to trafficking victims including rehabilitation and reintegration.

(4) The funds of the Trust Fund shall consist of–

- (a) moneys appropriated by Parliament for the purposes of the Trust Fund;
- (b) all moneys given to the Task Force by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Trust Fund; and

(c) all other moneys which may, from time to time, accrue to the Trust Fund.

(5) The funds of the Trust Fund shall be applied only for the purposes of the approved budget of the Trust Fund.

(6) The Board of Trustees of the Trust Fund shall conduct its affairs in accordance with Regulations prescribed by the Minister of Social Welfare.

(7) The Secretariat of the Task Force shall keep proper books of account and other records in relation to the activities, property and finances of the Trust Fund in a form approved by the Auditor-General, and shall prepare a financial statement in respect of each financial year.

PART IV – OFFENCES OF HUMAN TRAFFICKING

Human trafficking prohibited.

12. (1) A person shall not engage in human trafficking.
(2) A person engages in human trafficking under subsection (1), if, for the purpose of exploitation, he undertakes the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, the abuse of power or of a position of vulnerability or of the giving or receiving of payment to obtain the consent of a person having control over another person.

(3) A person who engages in human trafficking commits an offence and is liable, on conviction, to a term of imprisonment of not less than 25 years.

13. (1) A person shall not knowingly transport another person across an international border for the purpose of sexual exploitation including prostitution or for the purpose of labour exploitation, forced labour, domestic servitude, slavery or practices similar to slavery. Cross border trafficking for sex or labour exploitation prohibited.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a term of imprisonment of not less than 15 years.

(3) A person convicted of an offence under subsection (1) shall serve a term of imprisonment of not less than 15 years, if any one of the following aggravating circumstances is present–

- (a) transporting 2 or more persons at the same time;
- (b) there is permanent or life-threatening bodily injury to person transported;
- (c) transporting a child;
- (d) transporting as part of the activity of an organised criminal group; or
- (e) the trafficker has been convicted of the same offence under this Act.

14. (1) A person shall not knowingly travel across an international border for the purpose of soliciting commercial sexual act with a child, including the use of pornographic images. Child sexual exploitation in tourism, etc., prohibited.

(4) A person convicted of an offence under subsection (1) shall serve a prison term of not less than 10 years, if any one of the following aggravating circumstances is present–

- (a) during the smuggling, the smuggled migrant is involved in serious injury, life-threatening illness or death, or other circumstances that endanger or are likely to endanger, the life or safety of the smuggled migrant or any other person;
- (b) the smuggled migrant was subjected to cruel, inhuman or degrading treatment by another person including subjecting the smuggled migrant to sexual exploitation or prostitution, labour exploitation, forced labour, domestic servitude, slavery or practices similar to slavery;
- (c) the smuggling was committed as part of the activity of an organised criminal group; or
- (d) the smuggler has been convicted of the same offence under this Act.

Aiding migrant smuggling prohibited.

21. (1) A person shall not, for the purpose of aiding migrant smuggling, use, procure, provide or possess fraudulent travel or identity document; or enable a person who is not a citizen or a permanent resident of Sierra Leone, to remain in Sierra Leone without complying with the necessary requirement for legally remaining in Sierra Leone.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than 250,000,000 Leones or to a term of imprisonment of not less than 10 years or to both such fine and imprisonment.

shall prepare in respect of each financial year, a financial statement which shall include–

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Task Force kept under subsection (1) shall, not later than 3 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Task Force and to require such information and explanation thereon as he may think fit.

(4) The Task Force shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Task Force.

(5) The Auditor-General or the auditor appointed by him shall submit to the Task Force a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to–

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Task Force; and

- (c) any other matter which, in his opinion, ought to be brought to the notice of the Task Force.

Financial year.

9. The financial year of the Task Force shall be the same as the financial year of the Government.

Annual report.

10. (1) The Task Force shall, as soon as practicable, after the end of each financial year, but within 1 month thereafter, submit to the Minister of Social Welfare an annual report dealing generally with the activities and operations of the Task Force within that financial year.

(2) The Minister of Social Welfare shall, after receiving the annual report of the Task Force, cause it to be laid before Parliament.

(3) The Task Force shall also submit to the Minister of Social Welfare such other reports on its affairs as he may, from time to time, request in writing.

PART III – VICTIMS OF HUMAN TRAFFICKING TRUST FUND

Victims of Human Trafficking Trust Fund.

11. (1) There is hereby established a fund to be called the Victims of Human Trafficking Trust Fund which shall be administered by a Board of Trustees.

(2) The Board of Trustees of the Victims of Human Trafficking Trust Fund shall consist of–

- (a) a Chairman and not less than 4 other members appointed by the Task Force, after consultations with the Attorney-General and Minister of Justice and the Minister of Finance;

- (b) a victim's past sexual behaviour is irrelevant and inadmissible for purpose of proving that the victim was engaged in other sexual behaviour or to prove the victim's sexual predisposition;

- (c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be regarded as human trafficking even if this does not involve any of the specified means of exploitation;

- (d) the legal age of consent to sex, legal age of marriage or other discretionary age shall not be a defence to trafficking.

18. A victim of human trafficking is not liable for a criminal offence that was a direct result from being trafficked. Victim's immunity.

19. A child who is engaged in commercial sex is, for the purposes of this Act, a victim of human trafficking under this Act. Child prostitute as victim.

PART VI – OFFENCES OF MIGRANT SMUGGLING

20. (1) A person shall not engage in migrant smuggling. Migrant smuggling prohibited.

(2) A person is engaged in migrant smuggling under subsection (1), if he obtains financial, material or such other benefit directly or indirectly, for the purpose of procuring, facilitating, promoting, or enabling the actual or intended entry into, transit across or stay of another person in a foreign country, in breach of law.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a term of imprisonment of not less than 7 years.