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Published: 09 February 2017

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Act 32, 2014,
S.I. 141, 2014,
Act 13, 2018.

An Act to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons; to provide for the prohibition, prevention and combating of human trafficking, to provide for measures to protect and assist victims of trafficking in persons and other matters incidental thereto.

[*Date of Commencement: 1st January, 2015*]

PART I

Preliminary (ss 1-2)

1. Short title

This Act may be cited as the Anti-Human Trafficking Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires-

"child" has the meaning assigned to it under the Children's Act;

"centre for victims" means a centre for victims referred to in section 16;

"Committee" means the Human Trafficking (Prohibition) Committee established under section 3;

"consent" in relation to a person means that the person agrees by choice, and has the freedom and capacity to make that choice;

"exploitation" includes but is not limited to-

(*a*) keeping a person in a state of slavery;

(*b*) subjecting a person to practices similar to slavery;

(*c*) involuntary servitude;

(*d*) forcible or fraudulent use of any human being for removal of organs or body parts;

(*e*) forcible or fraudulent use of any human being to take part in armed conflict;

(*f*) forced labour;

(*g*) child labour;

(*h*) sexual exploitation;

(*i*) child marriage;

(*j*) forced marriage;

(*k*) use of a person in illegal activities;

(*l*) debt bondage;

(*m*) human sacrifice; or

(*n*) harmful rituals or practices;

"financial or other material benefit" includes any type of financial or non-financial inducement, payment, bribe, reward, advantage or service;

"forced labour" has the same meaning assigned to it under the Employment Act;

"fraudulent travel documents" means a passport or other document of identity that-

(*a*) has been made or altered in a material way by an unauthorised person;

(*b*) has been issued or obtained through misrepresentation, corruption, duress or in any unlawful manner; and

(*c*) is used by a person other than the rightful holder;

"Fund" means the Victims of Trafficking Fund established under section 27;

"place of safety" has the same meaning assigned to it under the Children's Act;

"pornography" means any representation, through a publication, exhibition, cinematography, indecent show, information technology or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes;

"proceeds of crime" has the same meaning assigned to it under the Proceeds of Serious Crime Act;

"Protocol" means the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime; done at New York on 15 November 2000, or as last revised or amended;

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

"sexual exploitation" means the commission of any sexual offence in terms of the Penal Code or any offence of a sexual nature in any other law against a victim of trafficking, and includes forcing a victim of trafficking to participate in the production of an obscene publication or obscene display including pornographic material or the performance of any act of a sexual nature;

"trafficking in persons" has the meaning assigned to it in section 9; and

"victim of trafficking in persons" includes a person who is being or has been trafficked as defined in section 9.

PART II

Establishment of Human Trafficking (Prohibition) Committee (ss 3-8)

3. Human Trafficking (Prohibition) Committee

(1) There is hereby established a committee to be known as the Human Trafficking (Prohibition) Committee, in this Act referred to as "the Committee".

(2) The Committee shall be under the general supervision of the Minister.

4. Membership of Committee

(1) The Committee shall consist of the following members appointed by the Minister-

(*a*) the Permanent Secretary of the Ministry of Defence, Justice and Security;

(*b*) the Permanent Secretary of the Ministry of Labour and Home Affairs or his or her nominee;

(*c*) the Commissioner of Police or his or her nominee;

(*d*) a nominee of Intelligence and Security;

(*e*) a nominee of Immigration and Citizenship;

(*f*) a nominee of the Attorney General's Chambers;

(*g*) the Director of Gender Affairs;

(*h*) a nominee from the Ministry of Local Government and Rural Development;

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