



**TRINIDAD AND
TOBAGO
TRAFFICKING IN
PERSONS ACT
CH. 12:10**

Safeguarding Human Life

OBJECTIVES OF THE ACT

Act seeks to prevent and combat trafficking in Persons by:

- Protecting and assisting victims
- Facilitating the efficient investigation of cases
- Facilitating the prosecution of individuals and organizations
- Promoting cooperation between Trinidad and Tobago and other States

Victim

A person against whom an offence is committed or against whom an offence is alleged to have been committed under this Act.

Trafficking in Persons

ACTION	MEANS	PURPOSE OF EXPLOITATION
Recruiting Transferring Transporting Harbouring Receiving	Threats or use of force or other forms of coercion; Abduction; Deception Fraud; Abuse of power; Abuse of a position of vulnerability; Giving or receiving payments or benefits for control of another person	Keeping person in state of slavery; Subjecting a person to practices similar to slavery; Forced labour; Illicit removal of organs; Sexual and domestic servitude; Child pornography; Exploitation of prostitution; Engaging in any form of commercial sexual exploitation; Causing a person to transport illegal items; Deriving a benefit through abuse of another



SECTION 3

Interpretation

ABUSE OF A POSITION OF VULNERABILITY

(a) such abuse that a person would reasonably believe that he has no alternative but to submit to the labour or service demanded of him;

(b) taking advantage of the vulnerabilities of a person resulting from—

(i) the person having entered 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

Child

- a person below the age of eighteen years

CHILD PORNOGRAPHY

a photograph, film, video or other visual representation, whether or not made by electronic, mechanical, artistic or other methods, that shows, for a sexual purpose—

(a) a child engaging in explicit sexual activity or conduct;

(b) parts of a child's body pasted to visual representations of parts of an adult's body or vice versa; or

Cont'd

(c) parts of a child's body which have been rendered complete by computer generated images or by other methods of visual representation

Cont'd

- but does not include any written or visual representation
- produced for the purpose of education, counselling, the
- promotion of reproductive health or as part of a related
- criminal investigation and prosecution

Coercion

(a) Violent coercion; and

(b) Non-violent or psychological coercion, such as—

(i) threats of serious harm to or physical restraint against any person;

(ii) the abuse or threatened abuse of legal process; or

(iii) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person

Debt Bondage

The status or condition of a person arising from his pledge to provide his personal services or those of a person under his control as security for a debt, where—

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

Exploitation

- (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) the illicit removal of human organs;
- (e) keeping a person in a state of servitude including domestic and sexual servitude;
- (f) child pornography;

Cont'd

- (g) the exploitation of the prostitution of another;
- (h) engaging in any other form of commercial sexual exploitation, including, but not limited to, pimping, pandering, procuring, profiting from prostitution and maintaining a brothel;
- (i) causing a person to transport illegal items within or across borders; and
- (j) deriving a benefit through the abuse of another person;

Forced Labour

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



SEXUAL EXPLOITATION

- “sexual exploitation” means 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;

Slavery

The status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised

Practices similar to Slavery

Includes debt bondage,

Serfdom,

Forced or servile marriages and

Delivery of children for exploitation;

Servitude

A condition of dependency in which the labour or the 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 does not perform such labour
- or services, that person or another person will suffer serious harm;

Trafficking in Children

The recruitment, transportation, transfer, harbouring or receipt of a child for the

purpose of exploitation,

irrespective of the means used as long as the purpose is the exploitation of the child;

Travel Document

“travel document” means any document that can be used for :

- travel between States such as—
- (a) a passport;
- (b) a visa;
- (c) a tourist card;
- (d) an airline ticket; and
- (e) any other document used under the laws of a State to establish identity in that State

PENALTIES

- S16 – Trafficker - Liable on conviction on indictment to a fine of not less than \$500,000 and to imprisonment of not less than 15 years

PENALTIES CONT'D

S17 – A person who, for the purpose of exploitation, incites, organises, or directs another person liable on conviction on indictment to a fine of not less than \$500,000 and to imprisonment of not less than 15 years

PENALTIES CONT'D

- S18 – Trafficking a Child or Children liable on conviction on indictment to a fine of not less than \$1000,000 and to imprisonment of not less than 20 years

PENALTIES CONT'D

- S19 – A person who, for the purpose of exploitation, incites, organises or directs another person to traffick a Child or Children liable on conviction on indictment to a fine of not less than \$1000,000 and to imprisonment of not less than 20 years

SECTION 21

AGGRAVATING CIRCUMSTANCES

- Used or threatened to use a dangerous weapon
- Suffered serious bodily harm or permanent or life-threatening injury
- Contraction of life threatening illness
- Sexual assault

SECTION 21 CONT'D

- Part of the activity of an organized group
- Trafficker was the organizer of the organized group
- Abuse of position of power or abuse of position of vulnerability, including abuse by a parent or guardian, teacher, the leader of any children's club or other group, or any other person who had been entrusted with the care or supervision of a child

SECTION 21 CONT'D

- Penalty- The Court may impose an additional term of imprisonment of up to 15 years

SECTION 21

(5) Notwithstanding any penalty imposed for an offence under this Act, where a—

- (a) **Police Officer;**
- (b) **Customs Officer;**
- (c) **Immigration Officer;**
- (d) member of the **Defence Force;**
- (e) member of the **Prison Service;** or
- (f) any other official or public officer having the coercive power of arrest under any other written law, is found to be liable for any offence under this Act,

he is liable on conviction on indictment to imprisonment for **twenty-five years.**

SECTION 22

A person who, for the purpose of trafficking in persons or trafficking in children and acting or purporting to act as another person's employer, manager, supervisor, contractor, employment agent, or solicitor of clients, and

who knowingly procures, destroys, conceals, removes, confiscates, or possesses, or possesses any travel 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 three hundred and fifty thousand dollars and to imprisonment for twelve years.

SECTION 23

(1) A person who transports or conspires to transport another person into or within Trinidad and Tobago

or across an international border for the purpose of exploiting that person's prostitution

commits an offence and is liable on conviction on indictment to a fine of three hundred and fifty thousand dollars and to imprisonment for twelve years.

CONSENT

Section 20 –

(1) In any prosecution for an offence of trafficking under section 16,17, 18 or 19, the alleged consent of the victim to the intended or realised exploitation is not a defence.

CONSENT CONT'D

Section 20 (2) In any prosecution for an offence of trafficking under section 16, 17, 18 or 19, the legal age of consent to sex or to marriage is not a defence.

CONSENT CONT'D


- (3) In any prosecution for an offence of trafficking under section 16, 17, 18 or 19, evidence of a victim's past sexual behaviour is inadmissible for the purpose of proving-
 - (a) that the victim engaged in other sexual behaviour; or
 - (b) the victim's sexual predisposition.

Section 31

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

PROTECTION OF THE PRIVACY OF VICTIMS

Section 34



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

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

(3) A person who commits a breach of confidentiality under this section is liable on summary conviction to a fine of one hundred thousand dollars.

Immigration Status

Section 38

The Minister may provide victims of trafficking and accompanying dependent children with appropriate permits or other required authorisation to allow them to remain and work in Trinidad and Tobago for the duration of the criminal prosecution against the traffickers.

Part VI

Assistance and Protection

- ☐ All steps necessary to identify victims of trafficking must be taken
- ☐ Victim given protection to prevent recapture, and are secured from threats, reprisals and intimidation by traffickers and their associates
- ☐ Family given the same protection as above

Assistance and Protection Cont'd

- ☐ Victims given opportunity to consult with an attorney at law or appropriate persons
- ☐ Victims are eligible for relocation and protection programs(if it is determined that a crime involving violence is likely to be committed)
- ☐ Victims must be informed of their rights and the legal and administrative procedures involved their case in language that they understand.



ASSISTANCE TO VICTIMS

Section 37

Appropriate Housing
Education

Training Opportunities

Victims abroad who are
citizens and nationals
are entitled to:

Consular assistance,
including the provision
of necessary travel
documents

Consular assistance in
dissemination of
information on the
rights under national
law and laws of country
to which missions are
accredited

Psychological counselling
Legal assistance and legal
information

Medical assistance

Minister's appropriate
permits

Safe return of victim and
children to country of
citizenship or lawful
residence

Compensation upon
conviction of trafficker
out of proceeds
forfeited for:

Medical and
Psychological assistance

Physical and
occupational therapy
emotional distress and
pain and suffering

Transportation,
temporary housing and
child care

Lost income

Cost of returning to
country

Trafficked victim may
offer defence to
immigration matter and
other criminal offence

Penalties under Act

Minimum 15 years for Trafficking in person, and fine of \$500,000

Minimum 20 years for Trafficking in children and fine of \$1,000,000

Aggravating factors additional 15 years

Where police officer, customs officer, immigration officer, defence force officer, member of prison service and any official or public official having powers of arrest commits an offence, a penalty of 25 years

Court can order forfeiture of convicted trafficker's property



Compensation

Section 29 – The Court can order compensation to be paid to the victim by the person convicted or out of the proceeds of any property forfeited under section 24.

Compensation Cont'd

- Section 30(2) Victims of trafficking are also eligible to apply for relief under section 29 of the Criminal Injuries Compensation Act.

Partnerships

The CTU cannot effectively function alone

Sec 12 (h) & (j)

where necessary, to refer possible cases of trafficking in persons to appropriate governmental agencies, civil society or international organisations for requisite action, such as further investigation, communication with foreign embassies or high commissions, and support for victims;

to liaise with appropriate governmental agencies, civil society or international organisations in providing assistance to and safeguarding victims once identified;

Contact the Counter Trafficking Unit



@unit_tt



Counter Trafficking Unit TT



Counter Trafficking Unit TT



countertraffickingunit@gmail.com
countertraffickingunit@mns.gov.tt