

**ANTIGUA AND BARBUDA**



**TRAFFICKING IN PERSONS (PREVENTION) (AMENDMENT) BILL, 2019**

**No. of 2019**



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**ARRANGEMENT OF CLAUSES**

**CLAUSES**

1.	Short title.....	5
2.	Interpretation.....	5
3.	Amendment of section 2 - Interpretation .....	5
4.	Amendment of section 7 - Trafficking in Persons Prevention Committee.....	5
5.	Insertion of new section 7A .....	6
6.	Amendment of section 8 .....	7
7.	Amendment of section 10 – Meetings of the Committee.....	7
8.	Amendment of section 11 – Establishment of task forces .....	7
9.	Deletion of section 12 .....	8
10.	Amendment of section 29 – Enforcement officers.....	8
11.	Amendment of section 71 - Regulations .....	8

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**TRAFFICKING IN PERSONS (PREVENTION) (AMENDMENT) ACT, 2019**  
**NO. OF 2019**

**AN ACT** to amend the Trafficking in Persons (Prevention) Act, 2010 to establish the Trafficking in Persons Prevention Unit and for connected matters.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

This Act may be cited as the Trafficking in Persons (Prevention) (Amendment) Act, 2019.

**2. Interpretation**

In this Act—

“principal Act” means the Trafficking in Persons (Prevention) Act 2010, No. 12 of 2010.

**3. Amendment of section 2 - Interpretation**

The principal Act is amended in section 2 by inserting immediately after the word “travel document” the following definition—

“Unit” means the Antigua and Barbuda Trafficking in Persons (Prevention) Unit established under section 7A;”

**4. Amendment of section 7 - Trafficking in Persons Prevention Committee**

The principal Act is amended by repealing section 7 and substituting the following new section—

**“7. Trafficking in Persons Prevention Committee**

(1) There is established a Trafficking in Persons Prevention Committee, (“Committee”) which shall function as an oversight Committee.

(2) The Cabinet shall appoint the members of the Committee which shall consist of the following persons—

(a.) the Solicitor General or his designee, who shall act as Chairman of the Committee;

- (b.) the Permanent Secretary of the Ministry of Public Safety;
  - (c.) the Chief Immigration Officer or a representative;
  - (d.) the Commissioner of Police or a representative;
  - (e.) a representative of the Family and Social Services Division; and
  - (f.) the Director of the Office of National Drug Control Policy or a representative.
- (3) The Chairman shall appoint one of the members to serve as Secretary to the Committee.
- (4) The Committee shall be responsible for—
- (g.) overseeing the activities of the Unit as established under section 7A;
  - (h.) providing general advice to the Director of the Unit;
  - (i.) monitoring and advising the Unit on the implementation of its programmes;
  - (j.) reviewing the performance of the Unit with a view to providing necessary recommendations; and
  - (k.) preparing annual reports for submission to the Minister.
- (5) Each member of the Committee appointed under subsection (2) shall, unless he sooner resigns, hold office for a period not exceeding two years and is eligible for re-appointment.
- (6) A member of the Committee appointed under subsection (2) may, at any time resign his office, by giving one month notice in writing to the Minister.
- (7) The members of the Committee specified under subsection (2) may be paid such allowances as the Minister may determine.”

## 5. Insertion of new section 7A

The principal Act is amended by inserting immediately after section 7 the following new section—

### “7A Antigua and Barbuda Trafficking in Persons Prevention Unit

- (1) There is established for the purposes of eliminating and preventing any occurrences of Trafficking in Persons in Antigua and Barbuda, a Trafficking in Persons Prevention Unit (“Unit”).
- (2) The Minister shall appoint the members of the Unit which shall include persons with—
- (a.) requisite knowledge of human trafficking;
  - (b.) the ability to conduct appropriate research;
  - (c.) the ability to carry out rescue operations;

- (d.) knowledge of providing victim care and support; and
- (e.) the ability to plan and execute educational outreach activities.

(3) The Minister shall appoint—

- (a.) a Director,
- (b.) a Policy and Research Development Officer,
- (c.) a Communications Officer and
- (d.) an Executive Assistant from among the members of the Unit.

(4) The Director shall report the activities of the Unit to the Committee which shall provide guidance where necessary.”

#### **6. Amendment of section 8**

The Principal Act is amended by in section 8 by—

- (a.) repealing the section heading and replacing it with the new section heading—

##### **“8. Functions of the Trafficking in Persons Prevention Unit”**

- (b.) repealing the word “Committee” in subsections (1), (2), (3), (4) and (5) and substituting it with the word “Unit”.

#### **7. Amendment of section 10 – Meetings of the Committee**

The principal Act is amended by—

- (a.) repealing subsection (1) of section 10 and substituting the following new section—

##### **“10.Meetings of Committee**

(1) The Committee shall meet at least once per month at such time and place as the Chairperson may determine.” and

- (b.) repealing the word “Seven” in subsection (2) and substituting the word “Four” and
- (c.) repealing subsection (7) in its entirety.

#### **8. Amendment of section 11 – Establishment of task forces**

The principal Act is amended in section 11 by—

- (a.) repealing the word “Committee” in subsections (1), (2), (3)(b), (4) and (5) and substituting it with the word “Unit”.

- (b.) Repealing subsection (3)(a) and substituting it with the following—

“(a) shall be chaired by the Director of the Unit;”

**9. Deletion of section 12**

The principal Act is amended by deleting section 12 in its entirety.

**10. Amendment of section 29 – Enforcement officers**

The principal Act is amended by repealing section 29(1) and substituting it with the following—

“(1) The following persons shall be enforcement officers for the purposes of this Act and may exercise all powers of enforcement—

- (a.) a police officer;
- (b.) an immigration officer;
- (c.) an officer of the Coast Guard;
- (d.) an officer of the Office of National Drug Control Policy; and
- (e.) all members of the Trafficking in Persons Prevention Unit.”

**11. Amendment of section 71 - Regulations**

The principal Act is amended in section 71 by—

- (a.) repealing subsection (2)(b) in its entirety; and
- (b.) deleting the words “or eighteen months imprisonment or both” in subsection (3).

Passed the House of Representatives on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed the Senate on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

.....  
*Speaker.*

.....  
*President.*

.....  
*Clerk to the House of Representatives.*

.....  
*Clerk to the Senate.*

**EXPLANATORY MEMORANDUM**

This bill seeks to amend the Trafficking in Persons (Amendment) Act 2010 to enable several changes to take place. In order to achieve this objective, some of the following significant amendments were made:

Clause 4 amends section 7 of the principal Act by repealing and replacing it with a new section. The purpose of the replacement is to change the composition and objective of the Committee which was previously established under the principal Act. The amendment now seeks to establish the Committee as an Oversight Committee, which oversees the activities of the Unit and providing advice to the Director of the Unit.

Under clause 5, a new section is inserted which establishes the Trafficking in Persons Unit. The main function of this Unit will be to eliminate and prevent any occurrences of trafficking in persons in Antigua and Barbuda.

Another significant amendment under clause 10 is to appoint members of the Unit as enforcement officers under the Act. This enables the members of the Unit to investigate any offences which may have been committed under this Act, as well as to arrest without a warrant, any person who has committed or attempted to commit any offence under this Act.

.....  
*Hon. Steadroy Benjamin*  
*Minister responsible for Public Safety*