

ANTIGUA AND BARBUDA



TRAFFICKING IN PERSONS (PREVENTION) (AMENDMENT) ACT, 2019

No. 21 of 2019

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ANTIGUA AND BARBUDA

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

27th December, 2019.

ANTIGUA AND BARBUDA

TRAFFICKING IN PERSONS (PREVENTION) (AMENDMENT) ACT 2019

No. 21 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 Permanent Secretary of the Ministry of Public Safety and Labour or his or her designee;
- (b) the Chief Immigration Officer or a representative;
- (c) the Commissioner of Police or a representative;
- (d) a representative of the Director of Gender Affairs; and
- (e) the Director of the Office of National Drug and Money Laundering Control Policy or a representative.

(3) The Committee shall be responsible for—

- (a) overseeing the activities of the Unit as established under section 7A;
- (b) providing general advice to the Director of the Unit;
- (c) monitoring and advising the Unit on the implementation of its programmes; and
- (d) reviewing the performance of the Unit with a view to providing necessary recommendations.

(4) 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.

(5) A member of the Committee appointed under subsection (2) may, at any time resign his office, by giving one month’s notice in writing to the Minister.

(6) 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 (the “Unit.”)

(2) The Minister shall appoint the members of the Unit which shall include persons with—

- (e) requisite knowledge of human trafficking;
- (f) the ability to conduct appropriate research;
- (g) the ability to carry out rescue operations;
- (h) knowledge of providing victim care and support; and
- (i) the ability to plan and execute educational outreach activities.

(3) The Minister shall appoint—

- (j) a Director,
- (k) a Policy and Research Development Officer,
- (l) a Victim Care and Support Co-ordinator; and
- (m) an Executive Assistant

from among the members of the Unit, whose core duties and responsibilities shall be in accordance with the Schedule.

(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 in section 8 by —

(n) repealing the section heading and replacing it with the new section heading—

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

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

(p) inserting into subsection (2) –

(i) a new paragraph (j) to read as follows –

- “(j) preparing annual reports for submission to the Minister;” and
- (ii) by renumbering the current paragraph (j) as (k).

7. Amendment of section 10 – Meetings of the Committee

The principal Act is amended by—

- (q) 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

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

8. Amendment of section 11 – Establishment of task forces

The principal Act is amended in section 11 by—

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

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

9. 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—

- (v) a police officer;
- (w) an immigration officer;
- (x) an officer of the Coast Guard;
- (y) an officer of the Office of National Drug and Money Laundering Control Policy; and
- (z) all members of the Trafficking in Persons Prevention Unit.”

10. Amendment of section 71 - Regulations

The principal Act is amended in section 71 by—

(aa) repealing subsection (2)(b) in its entirety; and

(bb) deleting the words “or eighteen months imprisonment or both” in subsection (3).

11. Insertion of Schedule

The principal Act is amended by inserting the following Schedule into the Act

SCHEDULE

(Section 7A (3))

Duties and Responsibilities of the following members of the Unit

Unit Director

Duties and Responsibilities include:

- Incorporate national policies, procedures and guidelines into the unit’s operations;
- Monitor and review the Unit’s activities and ensure that they are executed in accordance with national priorities as outlined in the National Action Plan;
- Provide effective management of the unit’s activities relative to its strategic objectives;
- Create new strategies for monitoring, evaluating and addressing the Unit’s efficiency and effectiveness;
- Build effective relationships with stakeholder partners so as to maintain effective support in achieving TIP prevention objectives;
- Develop and implement collaborative response efforts to human trafficking among participating local, regional and international organizations.
- Maintain efficient resource management, including finance;
- Foster a harmonious environment for working;
- See to the training and mentoring of staff, while motivating them to produce optimal performance at all times;
- Set up the Unit’s strategies for promotional and outreach activities;

- Explore and analyse data to determine trends and identify potential source and /or destination countries in order to appropriately deploy resources;
- Coordinate with regional and international partners in order to develop plans for strengthening national anti-trafficking efforts;
- Confer with staff to provide input, advice and assist in resolving problems;
- Allocate resources with the aim of producing maximum results;
- Perform day-to-day administrative tasks, such as processing information files and other paperwork.

Policy and Research Development Officer

Duties and Responsibilities include:

- Direct, implement and manage the Unit’s research and development policies, objectives and initiatives;
- Develop, deliver and review policies; adhering to research and development procedures and techniques;
- Lead a robust approach to evaluating policies and activities relevant to the Unit and demonstrate the impact and value to the Ministry and Nation;
- Oversee complex research projects, analyse results and provide recommendations based on findings;
- Ensure the Unit’s goals are met;
- Assess the scope of research projects and ensure they are on time and within budget;
- Produce a wide range of high-quality written outputs for various audiences including high-quality, well-targeted research projects while ensuring quality control of research;
- Establish, promote and maintain relationships with government partners, policy makers, sector stakeholders and external agencies to influence the Government’s agenda and ensure the best possible policy implementation environment;
- Develop relationships with funders and new funding resources to support policy, research and evaluation work;

- Effectively manage team's performance, setting and monitoring standards and development, e.g. training, professional or trade publications, maintaining personal networks and membership of relevant professional organizations;
- Ensure continuous professional development of the skills and competencies of the team.

Victim Care and Support Co-ordinator

Duties and Responsibilities include:

- Provide direct advocacy services for internal and external victims of human trafficking;
- Provide crisis intervention, conduct safety planning and assist victims, secure resources to increase safety;
- Provide assistance to victims to arrange referrals for social, economic, vocational, psychological, legal and medical needs;
- Accompany and or transport clients to court, shelter, and or other community services on a need basis;
- Conduct follow-up contact on an individual basis with assigned victims, investigators and prosecutors;
- Participates in the civil and criminal trial cases and provide education, support and intervention during trial exposure periods;
- Develop and maintain a case management process which ensures that all cases are documented and reports maintained in the required manner;
- Collaborate with law enforcement and any other human trafficking services and programs to ensure victims' safety, rights and immediate needs are addressed;
- Continuously monitor victim's progress throughout the duration of the case;
- Develop and maintain working relationships with inter agency staff and other community agencies to enhance services to immigrant and refugee victims;
- Review crime reports and initiate victim contact via telephone or home visits to begin advocacy process with victims;

- Attend meeting, conferences and workshops as necessary;
- Assist in preparation, review and presentation of reports to the Permanent Secretary or other officials;
- Where necessary, coordinate stakeholder input including non-governmental organizations and private sector;
- Assist with overall implementation of projects and activities relative to anti-trafficking efforts.

Executive Assistant

Duties and Responsibilities Include:

- Produce information by transcribing, formatting, inputting, editing, retrieving, copying, and transmitting text, data, and graphics;
- Schedule meetings, workshops, conferences, teleconferences, and travel;
- Represent the Director by attending meetings in his/her absence and speaking on behalf of the unit;
- Welcome guests and customers by greeting them, in person or on the telephone, and answering or directing inquiries;
- Maintain customer confidence and protect operations by keeping information confidential;
- Complete projects by assigning work and following up on results;
- Prepare reports by collecting and analysing information relative to the operation of the unit;
- Provide historical reference by developing and utilizing filing and retrieval systems and recording meeting discussions;
- Maintain office supplies inventory by checking stock to determine inventory level; anticipating needed supplies; evaluating new office products; placing and expediting orders for supplies; and verifying receipt of supplies;

- Ensure operation of equipment by completing preventive maintenance requirements, calling for repairs, maintaining equipment inventory, and evaluating new equipment and techniques;
- Maintain professional and technical knowledge by attending educational workshops, reviewing professional publications, establishing personal networks, and participating in professional societies;
- Contributes to team effort by accomplishing related tasks as needed

Passed by the House of Representatives on
the 29th October, 2019.

Passed by the Senate on the 12th
November, 2019.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams Grant,
President.

A. Peters,
Clerk to the House of Representatives. (Ag.)

A. Peters,
Clerk to the Senate. (Ag.)