



PARLIAMENTARY STATEMENT
on the
**TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION
AND PUNISHMENT) (AMENDMENT) ACT, 2021**

26 October, 2021

BACKGROUND

Madam Speaker, *Trafficking in Persons* is a cowardly, despicable and lucrative crime that continues to plague every country in the world. The reprehensible perpetrators of human trafficking target the most vulnerable in our society: our children, women, and marginalized persons.

Sadly, this modern day slavery is one of the fastest growing forms of international crimes, and is estimated to be among the most profitable crimes in the world. As

a matter of fact, the International Labour Organization estimates that globally *Trafficking in Persons* generates approximately US\$150 billion in profits each year.

In February of this year, the United Nations Office on Drugs and Crime reported that **since the onset of COVID-19 pandemic, there has been an overall worsening in the trend in human trafficking**, and *“the share of children among detected trafficking victims has tripled while the share of boys has increased five times in the past 15 years”*. Given the protracted impact of COVID-19 a growing number of people are experiencing economic and social vulnerabilities that has increased their risk of falling prey to human traffickers.

Madam speaker, Jamaica's Trafficking in Persons (Prevention, Suppression and Punishment) Act, was passed in 2007 and amended in 2013 to increase the penalties. The Act was again amended in 2018 to enable a judge to try trafficking offences without a jury.

The amendments being proposed in the **Trafficking in Persons (Prevention, Suppression and Punishment) (Amendment) Act, 2021** are based on the need to create an Anti-Human Trafficking Regime that discourages, disincentives, and promulgates deterrence of the offenders and recidivists.

Given the global and lucrative nature of human trafficking, and its imminent threat to our people the Government has taken the decision to proceed with amendments to the Act to remove the option of fines as a penalty for certain offences that are egregious in nature. Additionally, the amended Act creates a provision that empowers the Minister, by order subject to affirmative resolution, to make amendments to monetary penalties in the Act.

CLAUSE BY CLAUSE ANALYSIS

Madam Speaker, I will now take the House through the amendment Bill.

**Clause 2: Amendment of Section 4 of the principal Act:
*Trafficking in Persons***

Section 4 of the principal Act is amended in subsections (6), (7), (8) and (8A) by deleting the words “*to a fine or*” and “*or to both such fine and imprisonment*”, wherever they appear.

Based on the heinous nature of these offences comparative to offences under the Sexual Offences Act, 2009, which constitute offences deemed similar in nature, only custodial sentences have been imposed. Therefore, subsections (6), (7), (8) and (8A) are amended to remove the option of a fine since this would not be an appropriate penalty in lieu of a custodial sentence.

**Clause 3: Amendment of section 15 of the principal Act:
*Offence of threatening, obstructing, etc., constable.***

Section 15 of the principal Act is amended by deleting the words “two hundred and fifty thousand” and substituting the words with “one million”.

This amendment is proposed within the context of updating the monetary penalty for offences relating to threatening, assaulting or obstructing a Constable in the execution of his duties. The Bill proposes a fine not exceeding one million dollars (\$1,000,000.00), and in default of payment of the fine, to a custodial sentence not exceeding six months. This amendment aligns with the penalty provided for in section 30 of the Constabulary Force Act.

***Clause 4: Amendment of section 17 of the principal Act:
Order to increase fines.***

Section 17 of the principal Act is amended by deleting the marginal note, which currently states “Order to increase fines” and substituting therefor the words “Amendment of monetary penalties”.

Consequent on this amendment, subsection (1) is also being amended by deleting the words “increase the fines” and substituting therefor the words “amend the monetary penalties”. This amendment provides for an

easier mechanism to amend the monetary penalties, thereby allowing for any monetary penalties to be kept current.

Clause 5: Amendment of Section 10 of the Child Care and Protection Act, 2004: Prohibition against sale or trafficking of children.

Section 10 of the Child Care and Protection Act, 2004 is consequentially amended in subsection (2), by deleting the words “to a fine or” and “or to both fine and imprisonment”.

Section 10 (2) of the Child Care and Protection Act, 2004 establishes the prohibition against the sale or trafficking of children, and provides a penalty for any person who commits the offence “*liable on conviction on indictment before a Circuit Court, to a fine or to imprisonment with hard labour for a term not exceeding ten years, or to both such fine and imprisonment*”.

In light of the zero tolerance policy established within the Trafficking in Persons (Prevention, Suppression and

Punishment) (Amendment) Act, 2021, this proposal seeks to establish consistency across legislation.

CONCLUSION

Madam Speaker, Governments the world over are required to strengthen legislative and policy parameters to combat the real and present threat of Human Trafficking.

Through these amendments, the Government of Jamaica is taking targeted action to discourage criminals from taking advantage of our most vulnerable population. We are enhancing our legislative framework in order to strengthen our Anti-Human Trafficking regime and sending a strong signal by enforcing custodial sentences.

Dr. Horace Chang, MP
Minister of National Security