**Barbados**

**Transnational Organized Crime Bill, 2011**

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OBJECTS AND REASONS

This Bill would give effect to the Convention Against

Transnational Organized Crime signed in New York on the

15th November, 2000 and the following Protocols to that Convention

to which Barbados is a signatory:

*(a)* the Protocol to Prevent, Suppress and Punish Trafficking in

Persons especially Women and Children, signed in New York

on the 15th November, 2000;

*(b)* the Protocol Against Smuggling of Migrants by Land, Sea and

Air signed in New York on the 15th November, 2000; and

*(c)* the Protocol Against the Illicit Manufacturing of and Trafficking

in Firearms, their Parts and Components and Ammunition, signed

in New York on the 31st May, 2001

and to related matters.

BARBADOS

A Bill entitled

An Act to give effect to the Convention Against Transnational

Organized Crime and to the following Protocols to that Convention to

which Barbados is a signatory:

*(a)* the Protocol to Prevent, Suppress and Punish Trafficking in

Persons especially Women and Children, signed in New York

on the 15th November, 2000;

*(b)* the Protocol Against Smuggling of Migrants by Land, Sea and

Air, signed in New York on the 15th November, 2000; and

*(c)* the Protocol Against the Illicit Manufacturing of and Trafficking

in Firearms, their Parts and Components and Ammunition,

signed in New York on the 31st May, 2001,

and to related matters.

ENACTED by the Parliament of Barbados as follows:

…

*Trafficking and Smuggling of Persons*

**8.** (1) Any person who, for the purpose of exploitation of

another person organizes or facilitates

*(a)* the entry or proposed entry of the other person into

Barbados;

*(b)* the exit or proposed exit of the other person from Barbados;

or

*(c)* the receipt of the other person into Barbados,

by any of the means specified in subsection (6) and thereby

obtains the compliance of the other person in respect of the entry or

proposed entry or the exit or proposed exit or in respect of that receipt,

is guilty of the offence of trafficking in persons.

(2) Any person who

*(a)* organizes or facilitates

(i) the entry or proposed entry;

(ii) the exit or proposed exit; or

(iii) the receipt of another person

in accordance with subsection (1); and

*(b)* in organizing or facilitating that action, is reckless as to

whether the other person will be exploited after that entry

or proposed entry or after that exit or proposed exit or after

the receipt of that person,

is guilty of the offence of trafficking in persons.

(3) Any person referred to in paragraph *(a)*, *(b*) or *(c)* of

subsection (1), who deceives the other person about the fact that the

entry or proposed entry or receipt of the other person or any

arrangements for the stay of the other person in Barbados will involve

*(a)* the provision by the other person of sexual services;

*(b)* the exploitation or debt bondage of the other person;

*(c)* the removal of human organs or human tissue; or

*(d)* the confiscation of the travel or identity documents of the other

person,

is guilty of the offence of trafficking in persons.

(4) Any person referred to in paragraph *(a)*, *(b)* or *(c)* of

subsection (1), who

*(a)* arranges or knows of an arrangement for the other person to

(i) provide sexual services;

(ii) provide forced labour, slavery, servitude or a similar

practice; or

(iii) have any human organs or human tissue removed; and

*(b)* deceives the other person about any of the following:

(i) the nature of the sexual services to be provided;

(ii) the extent to which the other person will be free to leave

the place or area where the other person provides sexual

services;

(iii) the extent to which the other person will be free to cease

providing sexual services;

(iv) the extent to which the other person will be free to leave

his place of residence;

(v) where there is a debt owed or claimed to be owed by the

other person in connection with the arrangement for the

other person to provide sexual services, the quantum or

the existence of the debt owed or claimed to be owed; and

(vi) where there will be a removal of a human organ or human

tissue in circumstances amounting to exploitation, the

removal of that organ or human tissue,

is guilty of the offence of trafficking in persons.

(5) A person who for the purpose of exploitation, recruits,

transports, transfers, harbours or receives a person referred to in

subsection (1) by any of the means specified in subsection (6)

is guilty of the offence of trafficking in persons.

(6) The means referred to in subsections (1) and (5) are

*(a)* threats or use of force or other forms of coercion;

*(b)* abduction;

*(c)* deception or fraud;

*(d)* the abuse of

(i) power; or

(ii) a position of vulnerability;

*(e)* the giving or receiving of payments or of a benefit in

order to obtain the consent of a person who has control over

another person.