

# LIBERIA

## AN ACT TO BAN TRAFFICKING IN PERSONS WITHIN THE REPUBLIC OF LIBERIA

JULY 5, 2005

### Article 1

#### Definitions

100 “Trafficking In Persons” shall mean the recruitment, transportation, transfer, harboring or receipt of a person by means of the threat or use of force or other means of coercion, or by abduction, fraud, deception, abuse of power or of a position of vulnerability, or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

101 “Child” shall mean any person under *eighteen* years of age.

102 “Exploitation” shall mean:

- (a) keeping a person in a state slavery;
- (b) Subjecting a person to practices similar to slavery;
- (c) Compelling or causing a person to provide forced labor or services;
- (d) keeping a person in a state of servitude, including sexual servitude;
- (e) Exploitation of the prostitution of another;
- (f) Engaging in any other form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child pornography;
- (g) Illicit removal of human organs.

103 “Slavery” shall mean the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.

104 “Practices similar to slavery” are defined in the Supplementary Convention on the Abolition of slavery, the Slave Trade, and institutions and practices Similar to Slavery and include, in

general, debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation.

105 “Forced labor” shall mean labor or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint.

106 “Servitude” shall mean a condition of dependency in which the labor or services of a person are provided or obtained by threats or 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 did not perform such labor or services, that person or another person would suffer serious harm.

107 “Illicit removal of organs” refers to the unlawful conduct, and not to legitimate medical procedures for which proper consent has been obtained.

108 “Abuse of a position of vulnerability” shall mean such abuse that the person believes he or she has no reasonable alternative but to submit to the labor or service demanded of the person, and includes but is not limited to taking advantage of the vulnerabilities resulting from the person having entered the country illegally or without proper documentation, pregnancy, any physical or mental disease or disability of the person, including addiction to the use of any substance, or reduced capacity to form judgments by virtue of being a child.

109 “Coercion” shall include violent as well as some forms of non-violent or psychological coercion, including:

- (a) Threats of serious harm to or physical restraint against any person;
- (b) 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 persons;
- (c) Or the abuse or threatened abuse of the legal process.

110 Debt bondage shall mean the status or condition of a debtor arising from a pledge by the debtor of his or her personal service or those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

111 Terms not defined in this Article shall be interpreted consistent with their use elsewhere in the laws of Liberia.

## **SECTION 2: TRAFFICKING IN PERSONS**

That from and immediately after the passage of this ACT, recruitment, transportation, transfer, harboring or receipt of a person by means of the threat or use of force or other means of coercion or by abduction, fraud, deception, abuse of power or of a position of vulnerability, or by giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation shall be a criminal offense within the Republic of Liberia.

## **SECTION 3: RESTITUTION**

Where a defendant is convicted of trafficking in persons under section 5, the court shall order the defendant to pay restitution to the victim for:

- a) Costs of medical and psychological treatment;
- b) Costs of physical and occupation therapy and rehabilitation;
- c) Costs of necessary transportation, temporary housing;
- d) Lost income;
- e) Attorney's fees and other costs such as victim advocate fees;
- f) Compensation for emotional distress, pain, and suffering;
- g) Any other loss suffered by the victim.

## **SECTION 4: PAYMENT OR RESTITUTION**

Restitution shall be paid to the victim promptly upon the conviction of the defendant, with the proceeds from the property forfeited under Section 5b. The return of the victim from his/her home country or other absence of the victim from the jurisdiction shall not prejudice the victim's right to receive restitution.

## **SECTION 5: CRIMINAL OFFENSE**

Whoever engages in or conspires to engage in, or attempts to engage in, or assists another person to engage in or organizes or directs other persons to engage in "Trafficking in persons" shall be sentenced as defined in Section 7.

## **SECTION 6: CONVICTED TRAFFICKER**

Persons convicted of the crime of transporting a person for the purpose of that person's prostitution shall be punished in accordance with Section 7, but the presence of any one of the following aggravating factors can permit a longer sentence up to a maximum of 20 years:

- a) Transporting two or more persons at the same time;
- b) Permanent or life-threatening bodily injury to a person transported;
- c) Transporting one or more children;
- d) transportation as part of the activity of an organized criminal group.

## **SECTION 7: SENTENCE**

A court of competent jurisdiction shall sentence a person convicted of the crime of trafficking in persons to a minimum of one year imprisonment.

- a) if the convicted person used, threatened use, or caused another to use or threatened use of a dangerous weapon, 2 years shall be added to the minimum sentence.
- b) if a trafficked person suffers a serious bodily injury, or if the convicted person commits a sexual assault against a trafficked person, 5 years shall be added to the minimum sentence;
- c) if the trafficked person has not attained the age of 18 years, 5 years shall be added to the minimum sentence;
- d) if, in the course of trafficking or subsequent exploitation, the convicted person recklessly caused a trafficked person to be exposed to a life threatening illness or if the convicted person intentionally caused a trafficked person to become addicted to any drug or medication, 5 years shall be added to the minimum sentence;
- e) if a trafficked person suffers a permanent or life threatening injury, 10 years shall be added to the minimum sentence;
- f) if a trafficked person dies as a result of the trafficking, the sentence shall be between 20 years and life imprisonment;
- g) if the trafficking was part of the activity of an organized criminal group, 3 years shall be added to the minimum sentence;

h) if the trafficking was part of the activity of an organized criminal group, and the convicted person organized the group or directed its activities, 5 years shall be added to the minimum sentence.

i) If the trafficking occurred as a result of abuse of power or position of authority, including but not limited to a parent or guardian, teacher, children's club leader, or any other person who has been entrusted with the care or supervision of the child, 3 or 5 years shall be added to the minimum sentence.

## **SECTION 8: CONSENT TO SEX**

The age of consent to sex, legal age of marriage, or other discretionary age shall not be used as a defense to trafficking. Consent or past sexual behavior history of the victim is irrelevant and inadmissible for the purpose of proving that the victim engaged in other sexual behavior, or to prove the victim's sexual predisposition.

## **SECTION 9: VICTIM IMMUNITY**

A victim of trafficking is not held criminally liable for any immigration-related offense, prostitution, or any other criminal offense that was a direct result of being trafficked.

## **SECTION 10: MISUSE OF COMMERCIAL TRANSPORTATION**

a) International transportation companies must verify that every passenger possesses the necessary travel documents, including passports and visas, to enter the destination country and any transit countries;

b) That requirement in (a) shall be applied to both staff selling or issuing tickets, boarding passes or similar travel documents and to staff collecting or checking tickets prior to or subsequent to boarding;

c) That companies which fail to comply with the requirements of this section will be fined the amount of LD 50,000.00 (FIFTY THOUSAND LIBERIAN DOLLARS), or its equivalent. Repeated failure to comply may be sanctioned by revocation of licenses to operate in accordance with the laws of the republic of Liberia.

d) That company knowingly transports victim of trafficking into the country shall be liable for costs associated with providing accommodation and meals for the victim and any accompanying dependent for the duration of victim's stay in facilities designated.

## Article II

### Prevention of Trafficking

#### **SECTION 1: NATIONAL TASK FORCE FOR PREVENTION OF TRAFFICKING**

- a) The president shall establish an inter-agency task force to develop and implement a National Plan for the Prevention of Trafficking in persons. Such a task force shall include all aspects of trafficking, including sex trafficking and labor trafficking.
- b) The President shall appoint the members of the task force, which shall include the Minister of Justice, Foreign Affairs, labor, Interior, and two other persons learned in law enforcement. The task force shall be headed by the minister of Labor.
- c) The task force shall carry out the following activities either directly or via one or more of its constituent ministries as appropriate:
  - (1) Develop the National Plan for the Prevention of Trafficking in persons
  - (2) Coordinate the implementation of the Plan.
  - (3) Coordinate the collection and sharing of trafficking data among government agencies. All data collected shall respect the privacy of victims of trafficking.
  - (4) Coordinate the sharing of information between agencies for the purpose of:
    - (A) determining whether individuals crossing or attempting to cross the international border of [name of country] with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons, and (B) detecting criminal groups engaged in trafficking.
  - (5) Identify and engage in efforts to facilitate cooperation with foreign countries, particularly those which are a significant source of victims, transit location, or destination of victims. This cooperation shall aim to strengthen bilateral, multilateral, local, and regional capacities to assist trafficking victims, prevent trafficking, prosecute traffickers, and assist in the appropriate reintegration of victims of trafficking.
  - (6) Establish policies to enable government to work with non-governmental organizations and other elements of civil society to prevent trafficking and provide assistance to victims.

## **SECTION 2: APPLICABILITY OF LABOR STANDARDS**

(A) Standards for working conditions specified in the Labor Laws of Liberia shall apply equally to persons with or without the legal right to work in Liberia.

(B) The Ministry of Labor shall investigate complaints of unlawful working conditions without regard to the immigration status of complainants and without regard to the nature of the work or services involved.

**This ACT shall take effect immediately upon publication in handbill.**

**ANY ACT TO THE CONTRARY NOTWITHSTANDING**