

CRIMINAL LAW (HUMAN TRAFFICKING) BILL 2007

BILL

entitled

AN ACT TO GIVE EFFECT TO COUNCIL FRAMEWORK DECISION OF 19 JULY 20021 ON COMBATING TRAFFICKING IN HUMAN BEINGS; TO GIVE EFFECT, IN PART, TO THE UNITED NATIONS PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME, DONE AT NEW YORK ON 15 NOVEMBER 2000, AND THE COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS DONE AT WARSAW ON 16 MAY 2005; FOR THOSE PURPOSES TO AMEND CERTAIN ENACTMENTS; TO AMEND SECTION 3 OF THE SEX OFFENDERS ACT 2001; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

Trafficking etc., of children.

3.—(1) A person who trafficks a child for the purposes of the exploitation of the child shall be guilty of an offence.

(2) A person who—

(a) sells a child, offers or exposes a child for sale or invites the making of an offer to purchase a child, or

(b) purchases or makes an offer to purchase a child,

shall be guilty of an offence.

(3) A person who causes an offence under subsection (1) or (2) to be committed shall be guilty of an offence.

(4) A person who attempts to commit an offence under subsection (1), (2) or (3) shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable upon conviction on indictment to a fine, or imprisonment for life, or both.

(6) In this section “exploitation” does not include sexual exploitation.

Trafficking, taking, etc., of child for purpose of sexual exploitation.

4.—Section 3 (amended by section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007) of the Act of 1998 is amended by—

(...)

(b) the substitution of the following subsections for subsection (3):

(...)

(5) In this section—

‘child’ means a person under the age of 18 years;

‘sexual exploitation’ means, in relation to a child—

(a) inviting, inducing or coercing the child to engage in prostitution or the production of child pornography,

(b) the prostitution of the child or the use of the child for the production of child pornography,

(c) the commission of an offence specified in the Schedule to the Sex Offenders Act 2001 against the child; causing another person to commit such an offence against the child; or inviting, inducing or coercing the child to commit such an offence against another person,

(d) inviting, inducing or coercing the child to engage or participate in any sexual, indecent or obscene act, or

(e) inviting, inducing or coercing the child to observe any sexual, indecent or obscene act, for the purpose of corrupting or depraving the child,

and 'sexually exploits' shall be construed accordingly;

'trafficks' means, in relation to a child—

(a) procures, recruits, transports or harbours the child, or—

(i) transfers the child to,

(ii) places the child in the custody, care or charge, or under the control, of, or

(iii) otherwise delivers the child to, another person,

(b) causes the child to enter or leave the State or to travel within the State,

(c) takes custody of the child or takes the child—

(i) into one's care or charge, or

(ii) under one's control, or

(d) provides the child with accommodation or employment.".

(...)