

Combating of Trafficking in Persons and Sexual Exploitation of Children

Law No. 3(1) of 2000

(...)

2. Interpretation

In this Law unless the context otherwise requires:

"child" means a person who has not completed the eighteenth year of his age;

"Minister" means the Minister of Interior including any officer of his Ministry, authorised by the Minister for purposes of this Law;

"prescribed treaties" means the Treaty for Prevention and Eradication of White Slave-traffic and Prostitution of Others (Ratification) Law of 1983;

"pornography" means the visual or sound or audio-visual recording or depiction of any type or nature of sexual act on any person or with his participation, and the term *"pornographic material"* is accordingly interpreted;

"sexual exploitation of an adult" means the exploitation of an adult for prostitution; *"sexual exploitation of a child"* means:

- a. the incitement or compelling of a child to participate in any sexual activity;
- b. the exploitation of a child for his prostitution or participation in other sexual practices;
- c. the exploitation of a child with his participation in pornographic shows and material, including the production, sale and distribution of other kinds of trading in similar material, as well the possession of such material;

"trafficking" means any act that facilitates the entry into, transit through, residence in, or exit from the Republic for purposes of sexual exploitation;

"victim" means any person who is the subject of exploitation or any act prohibited by this Law or other Law or prescribed treaty punishable under this Law;

3. Sexual exploitation of persons

1. The following are prohibited:

a. The sexual exploitation of adult persons for profit if:

i. it is done by the use of force, violence or threats; or

ii. there is fraud; or

iii. it is done through abuse of power or other kind of pressure to such an extent so that the particular person would have no substantial and reasonable choice but to succumb to pressure or ill-treatment;

b. the trafficking of adult persons for profit and for sexual exploitation purposes in the circumstances referred to in subsection (a) above;

c. the sexual exploitation or the ill-treatment of adults;

d. the trafficking of children for the purpose of their sexual exploitation or ill-treatment;

2. For the purposes of this section, blood relationship or relationship by affinity up to the third degree with the victim and any other relation of the victim with the person, who by reason of his position exercises influence and authority over the victim and includes relations with guardian, educators, hostel administration, rehabilitation home, prisons or other similar institutions and other persons holding similar position or capacity that constitutes abuse of power or other kind of coercion

a. a person acting contrary to the provisions of section I(a) and (b) commits an offence and upon conviction is liable to imprisonment for fifteen years;

b. a person acting contrary to the provisions of section (I)(c) and (d) commits an offence and upon conviction is liable to imprisonment for twenty years.

4. Marketing of pornographic material

1. A person using children for purposes of trafficking, who produces, obtains, possesses, carries or in any way imports or exports or places into circulation documents, publications, books, drawings, pictures, paintings, symbols, photographs, movie-tapes or other indecent articles of whatsoever kind or uses any means of publicity in order to facilitate the circulation or the marketing of indecent articles, commits an offence and upon conviction is liable to imprisonment for ten years.

2. For the purposes of this section indecent articles are considered to include manuscripts, publications, pictures and other articles, which are considered to offend the morality of the public;

Provided that indecent articles are not considered as works of art or science and particularly those belonging to the cultural creation of humanity or contributing to the promotion of human knowledge.

5. Trafficking of persons for purposes of sexual exploitation

1. A person trafficking any other person or persons, with or without their initial consent or knowledge for purposes of their eventual sexual exploitation contrary to sections 3 or 4 of this Law or any other law or any prescribed treaty prohibiting similar exploitation or who knowingly instigates, assists, suffers or allows, participates, or contributes to such trafficking of person, commits an offence and upon conviction is liable subject to the provisions of the subsection (2) to a fine of ten thousand pounds or imprisonment for ten years, or both.

2. When the commission of an offence under subsection (1) has as a victim a child, the provision for the above offence sentence is increased to imprisonment for fifteen years or to a fine of fifteen thousand pounds or both.

3. In criminal proceedings for any offence under this section, the intent for sexual exploitation by the offender is presumed in cases where the necessary entry or exit permit from the Republic of the traveller has been forged or has been secured by the competent authorities with fraud, deceit, forgery of documents or misrepresentations or declarations regarding any information which is needed for the issue of entry permit.

It is provided that the aforementioned presumption may be rebutted if the offender shall satisfy the court that the above illegal acts had other than the presumed intent.

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